



**OKLAHOMA
DEPARTMENT
OF
CENTRAL SERVICES**

LEASING AND SPACE STANDARDS

**ADMINISTRATIVE RULES
OAC 580:60**

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**TITLE 580. DEPARTMENT OF CENTRAL SERVICES
CHAPTER 60. LEASING AND SPACE STANDARDS**

Section

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580:60-1-1. Purpose

The principal objective of the state's space management program is:

- (1) To provide adequate space to satisfy appropriate functional and locational requirements for state programs.
- (2) To obtain the most favorable and economical space occupancy rates.
- (3) To obtain maximum utilization of existing public and private buildings which meet state space requirements.
- (4) To provide uniform space allocation standards.
- (5) To provide an avenue for state office space planning.
- (6) To maintain a single communications point and information source between the State and the private real estate market.
- (7) To insure as much uniformity as practical in lease terms and space planning.

[Source: Added at 16 Ok Reg 3125, eff 7-12-99]

580:60-1-2. Definitions

The following words and terms, when used in this Subchapter, shall have the following meaning unless the context clearly indicates otherwise:

"Administrator of State Leasing" means the person designated by the Director of the Department of Central Services to formulate, enter into, or administer contracts for real property leases or make written determinations and findings with respect to them.

"Agency" means any commission, authority, council, department, division, bureau, board or section of the State of Oklahoma.

"Full time employee (FTE)" means those permanent state employees as defined by the Office of Personnel Management.

"Leasing forms" means forms the Director of the Department of Central Services shall approve for real property leasing transactions to be utilized by the State Leasing office, vendors, and other state agencies.

"Maintenance" means the repair or preventative up-keep of equipment, machinery, and building features or fixtures.

"Net usable square feet" means the space in non-state owned facilities for which the State shall pay a square foot rate.

- (A) If the space is on a single tenancy floor or building, computing the inside gross area of the space by measuring from the normal inside finish of the permanent exterior walls, or from the face of the convector (pipes or other wall-hung fixtures) if the convector occupies at least 50% of the length of the walls.

(B) If the space is on a multiple tenancy floor, measure from the exterior building walls as above (#A) and to the room side finish of the fixed corridor and shaft walls and/or the center of tenant-separating partitions.

(C) In all measurements, make no deductions for the columns and projections enclosing the structural elements of the building; and deduct from the gross area the following, including enclosing walls:

- (i) Toilets and lounges
- (ii) Stairwells and bearing partitions
- (iii) Elevator and escalator shafts
- (iv) Building equipment and service areas
- (v) Entrance and all elevator lobbies
- (vi) Stacks and shafts
- (vii) Fixed or common use corridors

(D) Common-Area space accessible to and/or utilized by entities other than the State is not included as net usable square feet.

(E) If restrooms are available in a common area of a multiple tenant building, those restrooms within the state's leased space which are for the state's exclusive use, shall be included as net usable square feet.

(F) When the only accessible restroom facilities in a building are within the state's leased space, one set of restrooms and their enclosing walls shall be deducted from the net usable square feet.

"Office space" means space used primarily as work areas for personnel, conference areas, reception areas, hearing rooms, drafting areas, etc. Minor storage areas, such as storage of miscellaneous supplies or stationary and file cabinet space within a private office or adjacent to clerical personnel are also included in "office space."

"Personnel" means the peak number of persons to be located in the space, to include permanent employees of the agency, temporaries, contractual employees and budgeted vacancies.

"Rental Rate Ceiling" means the net usable square foot rate established by the Department of Central Services as the maximum rental consideration to be made for non-state owned facilities. The ceiling is not to be interpreted as the standard rate, only as the maximum rate.

(A) On full service leases, which include all utilities except telephones, 5 day per week janitorial services and supplies, and general parking, the rental rate shall not exceed the ceiling rate.

(B) On net leases, which exclude utilities and/or 5 day per week janitorial services or general parking, the rate shall not exceed the ceiling rate when rent related expenses are added to the base rate (i.e. utilities except telephones, 5 day per week janitorial, parking, etc.).

(C) If a lease rate does not include all or part of the utility expenses, documentation of the most recent 12 month period in which the space was occupied shall be utilized to estimate what the total rent related expenses will be to the agency and shall be considered in both rental negotiations and by the Department of Central Services in evaluation/authorization of the lease.

(D) On those full service or net leases wherein the janitorial services is to be provided less than five days per week (either at the Lessor or state's expense), the Department of Central Services shall provide the agency with the acceptable rental rate.

"Standard space specifications" means those specifications, as developed and approved by the Department of Central Services, which define the building requirements in privately leased space.

"**State owned space**" means space, the title to which is vested, or will become vested pursuant to existing agreement with the State of Oklahoma.

"**State space standards**" means the standard guidelines for the determination of an agency's space needs in state owned and non-state owned facilities, and all real property purchased or lease-purchased by the State.

"**Storage space**" means areas used primarily for storing furniture, fixtures, equipment and inactive files. Desk space for warehousemen located within larger storage areas are also included in "storage space."

[Source: Added at 16 Ok Reg 3125, eff 7-12-99]

580:60-1-3. General provisions for securing space

(a) It is the policy of the Department of Central Services to house agencies of state government in state-owned property whenever feasible. However, when requirements for space cannot be satisfied in state facilities, the Department of Central Services shall authorize the agency to secure such space non-state owned facilities.

(b) The State Space Standards shall be utilized by the Department of Central Services to facilitate space planning, to establish office space needs, and for authorization of space requirements for state agencies in all state-owned buildings and all leased non-state owned facilities.

(c) Agencies shall submit a Space Request to the Department of Central Services when requesting new or additional space in either state-owned or non-state owned facilities, or when purchasing or lease-purchasing real property.

(d) All leases for space, regardless of size and dollar value, shall be authorized by the Department of Central Services.

(e) The Director of the Department of Central Services may, at his/her discretion, waive the requirements as set forth in 580:60-1. when it is shown to be in the best interest of the State of Oklahoma.

[Source: Added at 16 Ok Reg 3125, eff 7-12-99]

580:60-1-4. Space standards

(a) **Purpose.** The purpose of the space allocation standards is to present a uniform and consistent method of evaluation of the amount of space required to support a specific program or agency in state owned, non-state owned space, and all real property to be purchased or lease-purchased by the State.

(b) **General provisions.**

(1) Agencies shall indicate their space needs through the use of the Space Request.

(2) Agencies are expected to implement the space standards, both for major moves and internal space reorganization.

(3) Whenever possible, the Department of Central Services shall satisfy new space requests through the assignment of vacant space available in state-owned facilities.

(4) Funding allocated to an agency by the Legislature for an increase in the amount of space or the rental rate is not intended as final approval of such. In these cases,

new/additional space or rate increases shall still be authorized by the Department of Central Services in accordance with the leasing procedures and space standards.

(5) Unless otherwise noted, all square footage listed and the term "square feet" means "net usable square feet" as defined in 580:60-1-2. As such, it represents the amount of space that is usable for personnel, the placement of furniture and internal circulation areas.

(6) The quality and the type of space actually assigned or approved by the Department of Central Services may vary depending on various factors. Such factors shall include, but not be limited to, functional considerations, the magnitude of contiguous space required, and configurations of available space for assignment, including economic consideration when the available space requires remodeling to conform to the State Space Standards.

(7) The final decision concerning the allowable amount of square footage for a given space request shall be made by the Department of Central Services.

(8) The state space standards shall be the standard guidelines for the determination of an agency's space needs. They are intended to balance full and intensive use of the allocated space with productivity and program needs.

(c) Personnel space standards.

(1) The state space standards shall ordinarily not exceed the product of 150 square feet times the number of full-time, funded employees. This standard is not to be interpreted as an entitlement per individual employee, but rather entitlement to space allocated to the agency as a whole. It is therefore recommended that individual space allocations within the total be made on a basis of job function, not on position classification.

(A) The allocation of space for those employees who are in the office less than 60 percent of the time shall be seventy (70) square feet per position.

(B) Space needs for an individual employee may only be considered for the primary office location.

(C) Space for employees who work out of their homes or other offices shall not be included.

(D) The allocation of space for personnel who report to the facility on a weekly basis, or less, shall be determined through the Special Space Requirements, rather than on the standard 150 or 70 square foot allowance.

(E) The state space standard allocations include work stations, circulation between work stations, and work station-related support space, such as reception and office equipment areas unless specified in 580:60-1-4(d).

(2) Space is primarily allocated according to the number of funded authorized positions in the agency or program.

(A) Project and limited term positions are not normally included; exceptions may be made for projects of over two years or limited term positions that recur regularly.

(B) Future expansion needs shall not be considered until positions have been authorized and funded unless there is a documented history of frequent expansion in the agency's programs and number of employees required to support the programs.

(3) The allocation of space for personnel in warehouses, print shops, motor pools, large data centers, etc., where the employees support the functions and/or equipment, not vice versa, shall be determined through the Special Space Requirements, rather

than on the standard 150 or 70 square foot allowance. Administrative personnel of such functions shall, however, be included in the standard FTE space allocation.

(d) **Special space standards.** This Subsection represents the special space standards which shall be the standard guidelines for determining an agency's special space requirements. With appropriate written documentation and justification in an agency's Space Request, additional square footage shall be allowable if the space meets the specified criteria. All figures used to compute the justification of Special Space shall be based on the average number of occupants utilizing the particular space at any given time.

(1) **Reception/client areas.** Most office locations require some type of reception area, however, the allowable space may vary based on the program being administered.

(A) Space allocation will be determined on the basis of the following criteria:

- (i) Average number of visitors utilizing the space per day; at any given time;
- (ii) Type of visitors; (i.e., accompanied by families, etc.); and
- (iii) Special requirements (i.e., tables, etc.)
- (iv) An agency requiring an unusual amount of reception space for this purpose may be required to provide documentation of the actual number of visitors.

(B) Allowable space shall be ten (10) square feet times the average number of visitors per day at any given time. This does not include the space requirements for a receptionist which is included in the Personnel Section of the Space Request form.

(2) **Conference rooms.** A separate conference room shall be established only when it will be in use at least twenty hours per week. (Note: The agency shall provide documentation of actual history of usage of conference rooms and/or meetings to verify need.)

(A) Space allocation shall be determined on the basis of the following criteria:

- (i) Average number of persons in attendance;
- (ii) Frequency of meetings (average hours per week);
- (iii) Availability of private office space; and
- (iv) Special requirements (i.e., blackboard, projector and screen, etc.)
- (v) Availability of existing meeting facilities at little or no cost to building tenants.

(B) Allowable space for conference rooms which meet the above criteria shall be twenty (20) square feet per person, based on the overall average number of attendees as documented by the agency, not the average of one or two specific meetings.

(C) It is acknowledged that these standards may be adjusted with appropriate documentation when special equipment is regularly used in a given meeting or conference setting. In addition, the methods for calculating the actual room size may vary according to use and the number of participants and/or spectators.

(3) **Classroom and training rooms.** Classrooms/Training Rooms shall be combined with the conference room usage unless there exists justification for separate areas. If separate classrooms and training rooms are justified, they should be established only when they are in use at least 20 hours per week. Occasional space for five or six people will not qualify as special space. The agency shall provide documentation of the actual history of usage of classes or training sessions.

(A) Space allocation shall be determined on the following criteria:

- (i) Average number of persons in attendance as documented by agency records;
 - (ii) Frequency of classes/training (average hours per week);
 - (iii) Special requirements; and
 - (iv) Availability of existing meeting facilities at little or no cost within the building and/or the space occupied by the agency.
- (B) Allowable space shall be twenty (20) square feet per person based on the overall average number of attendees, not the average of one or two specific sessions.
- (4) **Intake/interview room.** This type of space shall be established only when it will be in use at least twenty-five hours per week and shall be considered on a case-by-case basis as special space by the Department of Central Services.
- (A) This space shall be determined on the following criteria:
- (i) Frequency of use (average hours per week); and
 - (ii) Availability of private office space or other meeting space.
- (B) Allowable space shall not exceed one hundred (100) square feet per individual room, with the total number of qualifying rooms dependent on the documented demonstrated need for such space.
- (5) **Libraries.**
- (A) The allowable square footage for book cases shall be based on the following formula:
- (i) Determine the total number of book cases within the space (i.e. open areas; private offices; libraries, etc.).
 - (ii) If the total number of book cases is greater than the total number of FTE's occupying the space, the difference shall be considered as the number of book cases which shall be allowable as special space. Contract, temporaries, or volunteers shall not be included in the number for this allowance.
- (B) Allowable space shall be six (6) square feet each for the number of book cases which exceed the total number of FTE's occupying the space.
- (6) **File cabinets.**
- (A) The allowable square footage for file cabinets shall be based on the following formula:
- (i) Determine the total number of file cabinets within the space (i.e., open areas; private offices; file rooms; 2,3,4, and 5 drawer, lateral and vertical cabinets).
 - (ii) If the total number of file cabinets is greater than the total number of FTE's occupying the space, the difference will be considered as the number of file cabinets which will be allowable as special space. Contract, temporaries, or volunteers shall not be included in the number for this allowance.
- (B) Allowable space will be nine (9) square feet each for the number of file cabinets which exceeds the total number of FTE's occupying the space.
- (C) Space for mobile filing systems should be justified separately on the Space Request form and shall include exact system dimensions.
- (7) **Storage, copiers, mail.** The agency shall be allocated additional space based on the number of FTE's to be used by the agency for general storage, copiers, and mail areas.
- (A) Space allocation will be based on the following formula:

(i) Less than fifty FTE's. Allowable space shall be ten (10) square feet per FTE;

(ii) Fifty or more FTE's. Allowable space shall be up to 5% of the space allowed for the total number of FTE's, excluding any special space allowances.

(iii) Contract, temporaries, or volunteers shall not be included when computing this allowance.

(B) Unusual space needs for any of these three areas in excess of the allowable space shall be justified separately on the Space Request.

(8) **Large copiers, reproduction and printing areas.** These areas may, with appropriate documentation, be considered as special space if they are in a physically delineated area with staff dedicated to operating the equipment. The allowable space shall be the actual measurement of the equipment plus circulation or the manufacturer's recommended allowance. The square footage shall not include space requirements for personnel, which shall be included in the Personnel Section of the Space Request form.

(9) **Equipment dominated area.** This area shall be considered as special space if people shall support the equipment, not vice versa. Occasional microfiche machines, word processing areas, computer terminals used or assigned to employees as a routine part of their work will not qualify as special space. The allowable space shall be the actual measurement of the equipment plus circulation or the manufacturer's recommended allowance. The square footage shall not include space requirements for personnel shall be included in the Personnel Section of the Space Request form.

(10) **Smoking room.** The allocation of this type of space shall be dependent strictly on current laws or rules.

(A) Should the laws or rules require such space be provided, the maximum allowable space allocated to the agency will be 150 square feet. This figure is not to be interpreted as the standard, only as the maximum allowance. The number of employees and the type of space shall be a factor in the actual space allowed for this purpose.

(B) An agency shall not be allocated space for a Smoking Room for public use unless the Department of Central Services determines that there is a significant need/justification.

(C) A Smoking Room shall be isolated, shall have an independent, dedicated ventilation system exhausting directly to the outdoors, and shall be in accordance with federal and state codes and rules.

(11) **Employee break room.** This area shall be considered on a case-by-case-basis as special space.

(A) Space allocation shall be based on the following criteria:

(i) Availability of a food service area within a selected facility;

(ii) Availability of a conference, classroom, or other multi-purpose room; and

(iii) Total number of employees.

(B) Allowable space shall be ten (10) square feet per average occupancy.

(12) **Multi-purpose room.** This type of space shall be considered for multiple-use purposes for those agencies who are unable to justify other specific "Special Space," such as a conference room, break room, central storage, etc., and where there is a justified need for such a room. Allowable space will be determined by using a combination of the other special space allowances. The allocation of this type of

space shall be considered by the Department of Central Services on a case-by-case basis.

(13) **Other.** Any specialized space requirement which an agency needs that has not been defined herein as "Special Space" may be included in Section 14 of the Space Request form. Justification shall be included in order for the space to be considered. Examples might include, but not be limited to, training kitchens, restrooms for medical/correctional purposes, laboratories (photography, medical, etc.), examination rooms, vaults, observation rooms, direct patient care requirements, etc.

(e) **Space planning.**

(1) Space allocation planning shall, to the fullest extent possible, employ the open space concept. In most cases the elimination of internal fixed walls makes maximum use of space, is more flexible in accommodating change, facilitates better control of lighting, heating, air conditioning, and ventilating, and reduces construction and maintenance costs.

(2) Private office space shall be provided only when there is a demonstrated functional need, however, no additional square footage will be allowed for the purpose of providing for private office space.

(3) No private office within the total amount of space allowable to the agency shall exceed 300 square feet in size.

(4) The actual design of the space to be occupied shall include those Special Space areas which were authorized by the Department of Central Services. Further, these areas shall be as consistent as possible with the amount of space authorized on the Space Request for such use. The Department of Central Services may alter the final square footage allocation if the agency fails to utilize space in accordance with the agency's space justification as designated on the authorized Space Request form.

(5) The Department of Central Services may aid agencies in preparation of the initial space layout. When an agency requires space design assistance, a request for such assistance should be made to the Administrator of State Leasing. An agency may utilize the services of a space planner or architect provided at the building owner's expense, however, the Department of Central Services will have final review of the plan. An agency should not contract for space planning services without specific authorization from the Department of Central Services.

(f) **Space for short-term use.** Agencies having a need for facilities for short-term use, such as conferences and testing, shall utilize available state-owned or leased facilities whenever possible. Agencies shall make inquiries regarding availability of such space to the Administrator of State Leasing. If it is determined that no suitable state controlled facilities are available, an agency may arrange for the use of privately owned facilities for a period not to exceed 10 days, provided that the agency has the authority to contract for such facilities. Any extensions beyond 10 days shall be approved by the Department of Central Services.

(g) **Measurement of space.** Unless otherwise noted, all square footages indicated in both the Space Request form, the Space Standards and leases of non-state owned facilities, shall mean "net usable square feet." As such, it represents the amount of space that shall be usable to the agency and its personnel, to include the placement of furniture, interior wall space and internal circulation areas.

(1) Net usable square feet is defined as that space in privately owned facilities for which the State of Oklahoma will pay a square foot rate.

(2) Net usable square feet shall be determined as follows:

- (A) If Single Tenant, computing the inside gross area of the space by measuring from the normal inside finish of the permanent exterior walls, or from the face of the convector (pipes or other wall-hung fixtures) if the convector occupies at least 50% of the length of exterior walls.
- (B) If Multiple Tenant, measuring from the exterior building walls as above (#1) and to the room side finish of the fixed corridor and shaft walls and/or the center of tenant-separating partitions.
- (C) In all measurements, make no deductions for columns and projections enclosing the structural elements of the building, and deduct the following from the gross area including their enclosing walls:
- (i) Toilets and lounges
 - (ii) Stairwells and bearing partitions
 - (iii) Elevator and escalator shafts
 - (iv) Building equipment and service areas
 - (v) Entrance and all elevator lobbies
 - (vi) Stacks and shafts
- (D) Common-Area Space accessible to and/or utilized by entities other than the State is not included as net usable square feet.
- (E) If restrooms are available in a common area of a multiple tenant building, those restrooms within the State's leased space which are for the State's exclusive use will be included as net usable square feet.
- (F) When the only accessible restroom facilities are within the State's leased space, one set of restrooms and their enclosing walls shall be deducted from the net usable square feet.

[Source: Added at 16 Ok Reg 3125, eff 7-12-99]

580:60-1-5. Requests for space

- (a) **Purpose.** The purpose of the Space Request form is to provide a means whereby an agency supplies the Department of Central Services with information and justification necessary for the agency's space requirements in both state-owned and non state-owned facilities.
- (b) **General provisions.**
- (1) Requests for space shall be submitted to the Administrator of State Leasing on the Space Request form. The request shall be utilized by all agencies where there is a need for one of the following:
 - (A) New space;
 - (B) Increased space at current location; and
 - (C) When an agency has been at its present location over four (4) years and every fourth year thereafter as determined necessary by the Department of Central Services.
 - (2) The Space Request is required whether the request is for space in a state owned or non-state owned facility as well as those agencies planning to purchase or lease-purchase real property.
 - (3) The Space Request shall be submitted to the Administrator of State Leasing no less than ninety (90) days prior to the anticipated need for the space.
 - (4) When requesting space, the original and one copy of the Space Request should be submitted to the Administrator of State Leasing. The original will be retained by the

Department of Central Services and, after review and analysis, the copy will be returned to the requesting agency indicating the action or amount of space to be authorized.

(5) Each agency director, or designated representative approved by the Department of Central Services, shall certify by signature the information on the Space Request form.

(6) Requests which do not contain the required information will be returned to the agency without action.

(7) The Department of Central Services is responsible for evaluating an agency's request for space and shall authorize what action shall be taken on the request.

(8) A Space Request which has been authorized by the Department of Central Services shall be valid for a maximum period of six months, unless authorized otherwise by the Department of Central Services. If a new lease or addendum to a lease has not been signed within that time, a new Space Request may be required at the discretion of the Department of Central Services should the agency still desire to acquire new or additional space.

(9) If an agency's request exceeds the guidelines, written justification shall be provided by the agency which addresses the request on an item-by-item basis.

(10) When a request for expansion of existing space is received, the Administrator of State Leasing may review the currently assigned area prior to authorizing additional space. An effort shall first be made to absorb the expansion through a more efficient rearrangement of the existing space.

(11) If the agency is requesting additional space at its current location for new employees or programs, the Space Request shall reflect the total number of FTE's and any special space which the agency may justify based on the Space Standard allowances, not the actual square footage of the special space areas currently occupied by the agency.

(12) Four (4) Year Space Review.

(A) If the Department of Central Services determines that a Four Year Space Review is necessary, it will be evaluated before an agency is authorized to renew its current lease; however, relocation and/or alterations to the space shall be required only if it is determined to be in the best interest to the State.

(B) The information on the Space Request should reflect only what the agency may justify based on the Personnel and Special Space Standard allowances, not the actual amount of space currently occupied by the agency.

(C) The "Estimated Space Allocation" and the "Total Space Requested" on the Space Request do not need to reflect the same square footage. In most cases, the amount of space currently occupied by the agency will be more or less than the amount of space that may be justified in accordance with the Space Standards.

(c) **Analysis of space request.** In analyzing an agency's space request, seven key elements shall normally be considered in determining the amount of space necessary to support the agency or program. These areas are: a general justification of the need and amount of space, type of program, special requirements, type and quality of space, location, and availability of state owned space.

(1) **Justification.** The intent of the information required is to indicate how the requested space shall be used. Sufficient information shall be provided to permit the Department of Central Services to fully understand the purpose of the program to be

housed in the space. At a minimum, agencies' justification for the need for the requested space shall include staffing and special space needs.

(2) **Amount of space.** Through the information provided by the agency on the Space Request and use of standards outlined in 580:60-1-4, the Department of Central Services shall make a preliminary decision of the amount of space required.

(3) **Type of program.** The type of program to be housed in the space shall be a consideration in the agency's request. Factors to be considered include the estimated life of a program and fluctuations in the scope of the program (i.e., work activities, number of clients).

(4) **Special requirements.** A number of special requirements may be of particular importance to the function of a program. Among these are parking, security, after hours use, laboratories, private restrooms, floor loadings and structural conditions.

(5) **Type of Space.** There are two basic types of space: office and storage. Agencies shall request the type of space based on the following criteria:

(A) Office space shall be requested when the primary purpose of the space is to provide work areas for professional and clerical personnel. Normally such areas require a minimal amount of storage area for forms, files, etc. (This "storage" space shall be accommodated within the office area unless the storage exceeds 10% of the area or 1,000 square feet, whichever is less.)

(B) Storage or warehouse space shall be requested when the primary purpose of space is to store or warehouse equipment, furniture, forms, etc.

(C) Non-typical types of space include, but are not limited to airplane hangers, correctional housing, daycare centers, group homes, towers, and parking lots.

(6) **Quality of space.** The quality of space to be acquired depends on several factors and is not always within the control of the State. The predominant factors affecting the quality of space include:

(A) The State shall solicit modern, air conditioned, general purpose office space. The intent is to obtain moderately priced, average quality space. The selection of quality may be consistent with the use to which the space will be put. However, space shall comply with all applicable federal, state and local laws, codes, ordinances, rules, and regulations pertaining to health, safety, fire, and public welfare.

(B) The geographic boundaries wherein the space is to be located may, in many cases, affect the quality of space. Some areas may have a wide range of different quality space available, while other areas contain only high quality or poor quality facilities.

(C) Where a wide range of quality space is available, the rental rates offered are normally the prevailing factor having an affect on quality. When selecting a site, quality shall be considered an important criteria. However, "quality" shall not normally override the "price" factor unless the quality of a less expensive location is substantially below what is considered adequate for operational purposes for employees' morale.

(7) **Location.** The geographic location selected for a desired space is normally dictated by the operational requirements of the program. In many cases, where the space is located will have no bearing on the operational effectiveness of the program. Some common criteria to be considered when selecting a location include the following:

- (A) Operational necessity shall be the prime concern when geographic location limits are determined. Space shall be located within the geographic limits of the area to be served and as close as possible to the population center of the citizens to be served.
- (B) Generally, the location shall be well served by public transportation and main road networks.
- (C) Proximity to related agencies or agencies with which frequent contact is expected may be a consideration. In some cases such contact may make co-location highly desirable.
- (D) High rent areas shall be avoided in favor of moderately priced areas whenever possible.
- (8) **Availability of state owned space.** After a complete review of the agency's request for space, the Department of Central Services shall make a determination as to whether state owned or non-state owned facilities will be assigned. The determination shall be based on, but not limited to, the following considerations:
- (A) State owned space shall be filled prior to any non-state owned space being acquired, unless determined otherwise by the Department of Central Services.
- (B) Priorities for available state owned space will be considered in the following order:
- (i) Agencies already occupying space in the facility;
 - (ii) Agencies whose functions are closely related; and
 - (iii) Generally, agencies who experience the least amount of client contact.
- (C) When large blocks of state owned space become available, such as when new buildings are acquired, agency headquarters currently in non-state owned facilities shall have priority.
- (d) **Authorization of request.** The Department of Central Services shall review the agency's request for space and ancillary information and either approve or deny the request. The agency shall be notified within approximately thirty days of the action or amount of space to be authorized with the exception of those Space Requests submitted between April and August which shall be evaluated as time allows.
- (e) **Appeal procedure.** If an agency does not concur with the amount of square footage authorized, it shall first attempt to resolve the difference informally with the Administrator of State Leasing. Both parties shall make every attempt possible to reach an agreement which meets with the needs of the agency while remaining in compliance with the State Space Standards. If an agreement cannot be reached, the agency may submit a written request for an appeal to the Chief Administrator of Construction and Facilities at the Department of Central Services explaining the situation in as much detail as possible. A copy of all pertinent documentation shall be attached to the letter.

[Source: Added at 16 Ok Reg 3125, eff 7-12-99]

580:60-1-6. Leasing of non-state owned property

- (a) **Purpose.** The purpose of the rules for the leasing of non-state owned property is to provide state agencies with policies and procedures concerning acquisition methods for leasing such space.
- (b) **General provisions.**
- (1) All leases for space, regardless of size and dollar value, shall be submitted to the Department of Central Services for authorization.

- (2) The Department of Central Services has the responsibility to act as the leasing agent for all state agencies.
- (A) Agencies shall at no time, directly or indirectly contact potential Lessors for the purpose of making oral or written representation, commitments, or agreements before a Space Request is authorized by the Department of Central Services.
 - (B) Inquiries made by potential Lessors or their agents are to be referred to the Administrator of State Leasing.
 - (C) It is the policy of the Department of Central Services to deal directly with an owner, building manager or primary listing broker of a property.
 - (D) An agency shall not, at any time, contract with a broker to secure space on their behalf.
- (3) Any state agency in need of new or additional space shall submit a request from the agency director to the Administrator of State Leasing on the Space Request form.
- (4) No agency shall enter into lease negotiations for new space with any building owner or representative without an approved Space Request in which specific delegation of authority is given from the Department of Central Services.
- (5) Standards for the utilization and allocation of space to state agencies have been adopted by the Department of Central Services and are a part of 580:60-1-4. These standards shall be used as a basis for all planning, leasing of space, or allocation of space.
- (6) The State uses net usable square feet as the standard method of measurement.
- (7) State agencies shall adhere to any ceilings on rental rates as established by the Department of Central Services. "Rental Rate Ceiling" means the net usable square foot rate established by the Department of Central Services as the maximum rental consideration for non-state owned facilities as defined in 580:60-1-2. The ceiling is not to be interpreted as the standard rate, only as the maximum rate. The fair rental prevailing in a geographic area for comparable space may be a factor in the actual rate to be paid by the State.
- (A) On full service leases, which include all utilities except telephones, 5 day per week janitorial services and supplies, and general parking, the rental rate shall not exceed the ceiling rate.
 - (B) On net leases, which exclude utilities and/or 5 day per week janitorial services, or general parking, the rate shall not exceed the ceiling rate when rent related expenses are added to the base rate, (i.e. utilities except telephone, 5 day per week janitorial, parking, etc.).
 - (C) If a lease rate does not include all or part of the utility expenses, documentation of the most recent 12 month period in which the space was occupied shall be utilized to estimate what the total rent related expenses will be to the agency and shall be considered in both rental negotiations and by the Department of Central Services in evaluation/authorization of the lease.
 - (D) On those full service or net leases wherein the janitorial services is to be provided less than five days per week (either at the Lessor or state's expense), the Department of Central Services shall provide the agency with the acceptable rental rate.
- (8) No lease agreement shall contain an open rate including Consumer Price Index, or rental escalation clauses unless authorized by the Department of Central Services.
- (9) State agencies may not pay rental deposits on non-state owned space.

- (10) The State shall not be obligated to pay rent for any period prior to the time that the space is occupied by the State.
- (11) The Department of Central Services shall authorize all increases in rental rates.
- (12) The Administrator of State Leasing shall serve as a contact between the State and the Lessor as needed and upon request by the agency.
- (13) Whenever possible, the State shall lease space requiring as little renovation as possible to accommodate the requesting agency and meet required building codes and specifications. When renovation is necessary, the cost of such renovation shall be borne by the Lessor.
- (14) All acquisitions of non-state owned space being leased which exceed 2,500 square feet shall be obtained through means of public advertisement unless otherwise exempted by the Department of Central Services. Exceptions shall include space requirements declared an emergency by the Department of Central Services and leases of non-state owned space for nominal consideration.
- (15) Non-state owned space may not be occupied or accepted by a state agency for nominal or no consideration without the express written authorization of the Governor.
- (16) A lease shall be entered into with the party who has legal ownership of the property. A broker or property manager cannot be listed as the "Lessor" unless they have legal authority to receive rental payments on behalf of the owner. In such cases, written documentation of the delegation of authority shall be provided by the legal owner to be attached to the lease.
- (17) An agency may not lease space in which a current state employee has a right of ownership, or other financial interest in the property without express written authorization from the Governor.
- (18) An agency may not lease space from a current member of the Oklahoma State Legislature or former member of the Oklahoma State Legislature who has been out of office less than two years.
- (19) The State Leasing forms shall be utilized in all leasing transactions in non-state owned buildings. No provisions to the State Leasing forms may be changed or non-standard terms or conditions added without prior authorization by the Department of Central Services.
- (20) The lease period shall not exceed one twelve month period, however, it does not have to end the last day of the fiscal period if that date would be less than one year.
- (21) The standard Lease Agreement and Renewal Agreement shall allow the agency (Lessee) the right to terminate the lease with thirty days written notification to the Lessor.
- (22) Requests for deviations from the standard lease term may be considered by the Department of Central Services when the agency may show programmatic necessity or financial advantage to be in the best interest of the State that would justify a longer or shorter lease term. The agency shall provide written justification to the Department of Central Services for any variance from the terms of the standard lease.
- (23) All non-state owned space occupied by the State shall meet all applicable federal, state and local laws, codes, ordinances, rules, and regulations pertaining to health, safety, fire, and public welfare. All construction or renovation to space a state agency leases shall comply with applicable professional architectural and engineering laws. A facility shall also meet the criteria for the Standard Space Specifications as

approved by the Department of Central Services, with exceptions to be determined at the discretion of the agency.

(24) The State Fire Marshal's office shall inspect the facility to be leased prior to initial occupancy or renovation to existing space, and/or approve building plans for new construction, for compliance with the Life Safety Code, Fire Prevention Code, and National Fire Protection Association Standards. A written report, or floor plan, signed by the State Fire Marshal shall be obtained. The required inspection and documentation may be delegated at the discretion of the State Fire Marshal to a City Fire Marshal.

(25) Prior to occupancy of non-state owned space, the proposed space shall be inspected by the State Department of Labor for the presence of friable asbestos containing materials, and written documentation of the inspection shall be obtained. In the event that friable asbestos containing materials are found to be present, the agency shall not be authorized to occupy said space unless the Department of Central Services finds there to be a demonstrated need to do so.

(26) The Lessor shall adhere to the requirements of the Oklahoma Occupational and Safety Standards Act of 1970.

(27) The Lessor shall maintain general liability insurance to be no less than \$100,000.00 per occurrence at all times during the lease or any renewal periods unless otherwise exempt by the Department of Central Services.

(28) It is a Lessor's responsibility to ensure that the facility leased by the State complies with the American's with Disabilities Act of 1990 (Public Law 101-336) and all amendments and requirements imposed by the regulations issued pursuant to this act in so far as the requirements of the Act affects the agency.

(c) **Delegation of authority.** Department of Central Services' involvement in obtaining space will vary on a case-by-case basis. At the time of the approval of a request for space, the Administrator of State Leasing shall determine what tasks the agency shall assume.

(1) The Department of Central Services shall review proposals obtained by an agency and review, assist, and make recommendations during the negotiation of lease terms and conditions.

(2) The Department of Central Services shall specify any delegation of authority to acquire space in writing on the Space Request which is returned to the agency.

(3) If the agency is not delegated specific authority, the Department of Central Services shall provide the leasing service.

(4) When the agency is delegated the authority to acquire non-state owned space, the acquisition shall be consistent with existing rules and regulations.

(d) **Leasing of non-state owned space.** The acquisition of non-state owned leased space shall be divided into two categories.

(1) Leases under 2,500 square feet.

(A) With delegated authority by the Department of Central Services, the agency shall locate potential space from building owners, real estate agencies, or through public advertisement. Where possible, at least three separate sources shall be contacted.

(B) The agency may be required to solicit for space through public advertisement at the discretion of the Department of Central Services. In such cases, if a lease has not been authorized by the Department of Central Services within six months from the initial date of advertisement, the agency may be required to re-advertise for the space at the discretion of the Department of Central Services.

- (C) The agency shall deal directly with the owner, building manager, or primary listing broker of a property. At no time shall an agency utilize the services of a secondary broker for the acquisition of non-state owned space without specific authorization from the Department of Central Services.
- (D) The agency shall provide the selected prospective Lessor with a copy of the Standard Space Specifications.
- (E) Agencies shall negotiate lease terms consistent with the policies of the Department of Central Services and rental rates equivalent to or below market rates in the locality wherein the space is located. The agency shall also adhere to any rent "ceilings" established by the Department of Central Services. Agencies will be notified by the Department of Central Services as changes in rental rate ceilings occur.
- (F) Upon selection of a space, the agency shall submit the following information to the Administrator of State Leasing:
- (i) A draft copy of the proposed lease which includes:
 - (I) Location of proposed space.
 - (II) Lessor's name.
 - (III) Total net usable square footage of space.
 - (IV) Rate per square foot.
 - (V) Services to be provided by the Lessor. (i.e. utilities, # of days/week janitorial services, etc.)
 - (VI) Renewal options.
 - (ii) A copy of the proposed floor plan on an 1/8" = 1' or dimensionalized scale.
- (G) A list of all properties considered, their locations, condition, rental rates and reasons for eliminating them in final consideration. shall be provided to the Department of Central Services.
- (H) If more square footage is proposed than has been authorized by the Department of Central Services, an explanation of the difference is required from the agency.
- (I) Upon review and approval of an agency's selection and draft lease by the Department of Central Services, the agency shall proceed with the preparation of the leasing documents.
- (J) At no time shall an agency direct or authorize a potential Lessor to begin remodeling or construction before a lease has been signed by the Department of Central Services.
- (K) An agency shall not take possession of new or additional space until a Notice of Award has been issued by the Department of Central Services unless otherwise approved by the Department of Central Services.
- (L) Agencies who elect to advertise, or are required by the Department of Central Services to advertise, for space shall follow the procedures outlined in 580:60-1-6 (e) and (f).
- (2) Leases of 2,500 square feet or more.
- (A) An agency shall not enter into a lease for 2,500 square feet or more of space in a non-state owned building except upon advertisement for and receipt of competitive proposals.
 - (B) Exceptions that are applicable when considering leases of 2,500 square feet or more include:

- (i) The standard renewal of leases unless otherwise determined necessary by the Department of Central Services.
 - (ii) Any lease having a term of less than ninety days, or otherwise authorized by the Administrator of State Leasing.
 - (iii) Any lease with another government or quasi-government entity for nominal or no consideration. As used herein, "nominal consideration" means consideration for \$100.00 or less per year.
 - (iv) A modification of a lease of non-state owned space to increase the footage if the modification is based upon the same terms and conditions of the approved lease, provided the total square footage of the lease after modification is less than one half the total of the original square footage.
 - (v) If the space is deemed to be a single source (tower sites, boat docks, hangars, etc.).
 - (vi) Space needs arising due to an emergency situation or other circumstances that preclude advertising for space may be exempt from these rules upon written statement of circumstances by the agency to the Administrator of State Leasing for recommendation to and consideration of approval by the Director of the Department of Central Services.
- (C) The agency shall follow the procedures set forth in 580:60-1-6 (e), and (f), in regards to the advertisement for and selection of non-state owned space.
- (D) If a lease has not been submitted to and approved by the Department of Central Services within six months from the initial date of advertisement, the agency may be required to re-advertise for the space at the discretion of the Department of Central Services.
- (E) Written notification describing the agency's general space requirements shall be given to appropriate local real estate companies in the applicable geographic area.
- (F) Upon selection of space, the agency shall submit the following to the Administrator of State Leasing:
- (i) A draft copy of the proposed lease which includes:
 - (I) Location of proposed space.
 - (II) Lessor's name.
 - (III) Total net usable square footage of space.
 - (IV) Rate per square foot.
 - (V) Services to be provided by Lessor. (i.e. utilities, # of days/week janitorial services, etc.)
 - (VI) Renewal options.
 - (ii) A copy of the proposed floor plan on an 1/8" = 1' or dimensionalized scale.
- (G) A list of all properties considered, their locations, condition, rental rates, and reasons for eliminating them in final consideration shall be provided to the Department of Central Services.
- (H) If more square footage is proposed than has been authorized by the Department of Central Services, an explanation of the difference is required.
- (I) Upon review and approval of an agency's selection and draft lease by the Department of Central Services, the agency shall proceed with the final preparation of the leasing documents.

(J) At no time shall an agency direct or authorize a potential Lessor to begin remodeling or construction before a lease has been signed by the Department of Central Services.

(K) An agency shall not take possession of new or additional space until the Notice of Award has been issued by the Department of Central Services unless otherwise approved by the Department of Central Services.

(e) **Solicitation for advertisement.** When it is determined that an advertisement is required or the Administrator of State Leasing finds that it would be in the best interest of the State to solicit a specific space requirement, the agency shall be advised to prepare and cause the advertisement to be published. The cost of the advertisement shall be borne by the agency soliciting the space.

(1) The suggested format for advertising may be obtained from the Administrator of State Leasing. Agencies may modify advertisements consistent with actual requirements but shall include, as a minimum, the following:

(A) Amount of space required.

(B) City in which space shall be located.

(C) The agency name.

(D) The name, address, and telephone number of the agency contact where proposals will be sent.

(E) Due date of proposals.

(2) Normally the advertisement shall be placed in no more than two newspapers in the community where the space is needed. The ad shall run for a minimum of two issues, with a week between notices if possible.

(3) The due date for proposals shall be no less than five days after the last publication. However, the agency may, at its discretion, permit a longer period for response.

(4) Advertisements concerning space shall be placed in the appropriate section of a newspaper publication.

(f) **Proposals.**

(1) Parties interested in leasing space to the State shall include the following information in their initial proposal:

(A) Location of space.

(B) Approximate number of square feet of net usable space available for lease.

(C) Prospective Lessor's name, address and telephone number.

(2) Initial proposals shall be accepted from the day the space is first advertised until 5:00 p.m. on the specified due date. Upon receipt, proposals should be stamped with the date received.

(A) Initial proposals received after the time and date set for receipt of offers shall be considered late. However they may be considered with mutual agreement between the agency and the Administrator of State Leasing if it is determined to be in the best interest of the agency.

(B) A modification of a proposal which makes its terms more favorable to the State shall be considered at any time it is received.

(3) When less than three responsible offers are received, the agency may, without re-advertisement, extend the date and solicit additional offers by any method approved by the Administrator of State Leasing to ensure adequate competition.

(4) In each request for proposal, the State shall reserve the right to amend the specifications at any time prior to award of a lease.

(5) The State reserves the right to reject any and all offers, to request additional information, to waive all formalities in proposals, and to negotiate with any offeror.

(6) There shall be no public opening or review of proposals in response to the advertisement for proposals.

(7) The State shall not be responsible for any costs incurred in the preparation and submission of proposals in response to solicitation for space by a state agency.

(8) After the proposals have been reviewed, the agency shall inspect the properties to determine suitability of each space to the specific needs of the agency. The agency may eliminate from further consideration those properties which do not meet the basic requirements, such as location or square footage.

(9) The agency shall provide each viable prospective Lessor with a copy of the Standard Space Specifications.

(10) As a result of the on-site inspection, with the assistance from the Administrator of State Leasing or other agency staff, the agency will prepare a preliminary floor plan on that property initially determined to best meet the needs of the agency. This information shall be submitted to the respondent in order to obtain a final annual lease price and lease term.

(11) A final proposal may, at the agency's discretion, be required from the selected vendor on the Standard Proposal Form as developed and approved by the Department of Central Services.

(12) All proposals shall be kept confidential and shall be released only to state employees having a need for the information until such time as an Award of Contract has been issued.

(g) Specifications.

(1) Specifications shall be followed by the agency leasing a non-state owned facility in general terms with exceptions to be determined at the discretion of the agency. They shall afford each viable prospective Lessor interested in submitting a serious proposal with knowledge of the agency's space requirements. In specific instances it may, on occasion, be necessary to issue additional specifications due to some unique requirements of a particular agency.

(2) Cost of all construction or renovation to meet the requirements of the specifications or remodeling as determined necessary by the agency shall be borne by the Lessor.

(h) Evaluation of proposals.

(1) It is recommended that the agency, in conjunction with preparing specifications, develop evaluation criteria. The criteria items most significant to the agency's needs should bear the highest consideration. Rental, the cost of relocation, if any, consolidation of activities, if desirable, and any other factors deemed necessary should be weighed.

(2) The evaluation and selection of the best and most economical proposal shall be made by the agency and submitted to the Department of Central Services for final authorization.

(3) Criteria to be used in the evaluation of space will include, but not be limited to, the following:

(A) The comparison of the square footage required to satisfy the agency's needs with the square footage available in a given facility. Square footage required shall be determined according to 580:60-1-4.

- (B) An analysis of the quality and condition of building facilities such as elevators, toilets, parking, public traffic areas, and location relative to associated agencies.
 - (C) The cost of occupying the space for the term of the lease should include the following factors:
 - (i) Square footage cost of the proposed space.
 - (ii) Estimated cost of utilities, if not included in the proposed rate.
 - (iii) Cost of custodial services, if not included in the proposed rate.
 - (iv) Cost of parking, if not included in the proposed rate.
 - (D) Time factors affecting need for the space.
 - (E) Capability to accommodate future needs of the agency for space and services.
 - (F) The building's compliance and/or the owner's willingness to assure that the building complies with the requirements of the Americans with Disabilities Act.
 - (G) Availability of adequate public and client access through public transportation and parking.
 - (H) Space efficiency and effectiveness for the agency's purpose.
- (4) Documentation to support the selection shall be provided to the Department of Central Services. Such documentation shall include the following:
- (A) A copy of the advertisement.
 - (B) A synopsis of the agency's findings for each proposal or site considered.
- (5) The agency shall notify, in writing, each party who submitted a proposal regarding a decision on the space. The agency is not, however, obligated to provide the party with a specific reason for rejection of a proposed site.
- (6) In the event either no proposal or no acceptable proposal is received after advertising, the agency may negotiate in the open market for leasing of the needed space after obtaining authorization from the Department of Central Services.
- (7) The agency may reject all sites; however, specific reasons for rejecting proposals shall be provided in writing to the Department of Central Services. The Administrator of State Leasing shall then determine whether the space requirement should be re-advertised or whether other acquisition methods are required. Reasons for rejection of proposals include, but are not limited to:
- (A) Rents exceed available funds and it would not be appropriate to adjust the amount of space to come within available funds.
 - (B) There is reason to believe that the proposals may not have been independently arrived at, may have been collusive, or may have been submitted in bad faith.
 - (C) All otherwise acceptable proposals are at unreasonable rents.
 - (D) No proposal met or could meet the specified requirements of the agency.
- (i) Negotiations of non-state owned space.**
- (1) Negotiations may be conducted with the offeror of each acceptable site as follows:
 - (A) Each responsible offeror of a viable facility may be individually contacted and apprised of the weak and strong points of his offer and any changes or revisions to the specifications.
 - (B) A written best and final offer may be solicited from each viable party with a specific due date.
 - (2) The agency shall negotiate lease terms consistent with the policies of the Department of Central Services to include any rent "ceiling" established by the Department of Central Services.

(3) When negotiations have produced final offers for one or more sites with equitable rental rates, the agency will proceed with the remaining requirements to conclude the transaction.

(j) **Preparation of lease agreement of non-state owned space.** Once space has been selected and exact terms and conditions of a lease have been approved by the Department of Central Services, the agency shall prepare for signature the Lease Agreement and obtain all requested documentation in accordance with 580:60-1-7.

(k) **Lease renewal of non-state owned space.** The agency shall begin to evaluate its space needs no less than three months prior to the expiration of a lease term.

(1) The condition of space which has been occupied by an agency shall be evaluated and required improvements discussed with a Lessor prior to initiating a Renewal Lease Agreement.

(A) Any requests made by the agency to the Lessor for alterations related to general maintenance, upkeep, or repair, as designated in the original Lease Agreement, may be included as an "Attachment to the Lease Agreement" to specify the action required, dates of completion, and signature of both the Lessor and the agency.

(B) General maintenance and repairs shall not justify a rental increase.

(C) A change in the vendor, square footage, or rental rate shall not be made in a renewal lease agreement.

(2) If the agency intends to exercise a renewal option at the same terms and conditions set forth in the existing lease, the lease shall be renewed without pre-authorization from the Administrator of State Leasing.

(A) The agency shall submit the Standard Renewal Lease Agreement and other required documents to the Administrator of State Leasing for signature.

(B) If any of the required documents are incomplete, the renewal shall be returned to the agency for corrective action prior to final execution.

(3) When an agency has been at its present location over four years, and every fourth year thereafter, it may be required to justify continued need of the space by submitting a Space Request to the Administrator of State Leasing. The agency shall be notified if such action is necessary.

(A) The Request shall be completed in accordance with the procedures outlined in 580:60-1-5.

(B) The Administrator of State Leasing shall review the agency's staffing, specialized requirements and program functions and shall notify the agency of the action or amount of space to be authorized in accordance with its current needs. Relocation will be considered only if it is determined to be in the best interest of the State.

(4) The agency shall advise the Administrator of State Leasing immediately if a Lessor requests a rental increase or is seeking termination of the contract at the end of the current lease term. The Administrator of State Leasing shall provide assistance to the agency in negotiating a new lease, or shall determine if it is necessary for the agency to seek new space.

[Source: Added at 16 Ok Reg 3125, eff 7-12-99]

580:60-1-7. Lease documents for non-state owned space

(a) **Purpose.** The purpose of the development of standard state leasing documents is to insure uniformity and legality of leasing transactions in all non-state owned space.

(b) **General provisions.**

- (1) The use of the forms, as developed by the Department of Central Services, is required by all agencies regardless of the size or dollar amount of the lease, unless otherwise authorized by the Department of Central Services.
- (2) No provisions to the State Leasing forms may be changed or non-standard terms or conditions added without prior authorization by the Department of Central Services.
- (3) The name of the state agency leasing the space shall be indicated as the responsible party (Lessee) on a lease. Neither an individual employee nor a division of an agency shall be indicated as the party leasing the space.
- (4) A lease shall be entered into with the party who has legal ownership of the property. A broker or property manager cannot be listed as the "Lessor" unless they have legal authority to represent the owner on the contract and have legal authority to receive rental payments on behalf of the owner. In such cases, written documentation of the delegation of authority shall be provided by the legal owner to be attached to the lease.
- (5) The agency director shall sign all lease related forms unless otherwise authorized by the Department of Central Services.
- (6) The agency shall prepare four original lease documents to be signed by the Lessor and the agency director. After the appropriate signatures are obtained from the building owner and the agency, all original contracts shall be submitted to the Department of Central Services for final authorization.
- (7) A lease is not fully executed until signed by the Lessor, the agency (Lessee), and the Department of Central Services.
- (8) Any reduction in the amount of space/rental rate, or the Department of Central Services' authorized increase in the amount of space or the rental rate shall be made a part of the lease through a new lease agreement or an Addendum to the Lease.
- (9) If the effective date of a change of the terms and conditions of the lease coincides with a renewal period, a new Lease Agreement may be required.
- (10) If an agency wishes to terminate a lease, it shall provide a written request to the Administrator of State Leasing no less than forty-five days prior to the anticipated cancellation date of the lease.
 - (A) the Department of Central Services is the responsible party for notifying the Lessor of the cancellation of the contract.
 - (B) The agency shall also notify the Lessor in person or in writing of the anticipated termination date.
 - (C) If the cancellation of a lease coincides with the termination date of a lease, the agency shall provide notification to the Administrator of State Leasing of such action.
- (11) The State uses net usable square feet as the standard method of measurement.
- (12) The agency shall not exceed the fair rental prevailing in a community for comparable space nor the State's rental rate ceiling as set by the Department of Central Services.
- (13) No lease agreement shall contain an open rate, including Consumer Price Index, or rental escalation clauses unless authorized by the Department of Central Services.

- (14) State agencies may not pay rental deposits.
- (15) The State shall not be obligated to pay for any rent for any period prior to the time that the Space is occupied by the State.
- (16) The lease period shall not exceed one twelve month period, however, it does not have to end the last day of the fiscal period if that date would be less than one year.
- (17) The standard Lease Agreement and Renewal Agreement shall allow the agency (Lessee) the right to terminate the lease with thirty days written notification to the Lessor.
- (18) Requests for deviations from the standard lease term may be considered by the Department of Central Services when the agency may show programmatic necessity or financial advantage to be in the best interest of the State that would justify a longer or shorter lease term. The agency shall provide written justification to the Department of Central Services for any variance from the terms of the standard lease.
- (19) An agency may not lease space in which a state employee has a right of ownership or other financial interest in the property without express written authorization from the Governor.
- (20) An agency may not lease space from a current member of the Oklahoma State Legislature or a former member of the Oklahoma State Legislature who has been out of office less than two years.
- (21) A lease may be amended during its term with authorization by the Administrator of State Leasing so long as it is in the best interest of the State.
- (22) Any changes to the original Lease Agreement shall be pre-authorized by the Administrator of State Leasing before the agency initiates action to alter the lease.
- (23) If an increase in rental rate is a direct result of renovations required by the agency after initial occupancy of the space, a specified time limit in which the renovations shall be completed shall be included in the appropriate lease document.
- (24) If the costs for utility services (gas, electricity, or water/sewer) are not to be included in the rental rate, these services shall be separately metered for the space to be occupied by the State.
- (25) It shall be the responsibility of the building owner to notify the State of any transfer of ownership of the leased premises.
- (26) An Affidavit of Non-Collusion shall be signed by all parties contracting for services with the State.
- (27) Leased space shall comply with all applicable federal, state and local laws, codes, ordinances, rules and regulations pertaining to health, safety, fire, and public welfare. All construction or renovation to space a state agency leases shall comply with applicable professional architectural and engineering laws. A facility shall also meet the criteria for the Standard Space Specifications as approved by the Department of Central Services, with exceptions to be determined at the discretion of the agency.
- (28) The State Fire Marshal's office shall inspect the facility to be leased prior to initial occupancy or renovation to existing space, and/or approve building plans for new construction, for compliance with the Life Safety Code, Fire Prevention Code, and National Fire Protection Association Standards. A written report, or floor plan, signed by the State Fire Marshal shall be obtained. The required inspection and documentation may be delegated at the discretion of the State Fire Marshal to a City Fire Marshal.
- (29) Prior to occupancy of non-state owned space, the proposed space shall be inspected by the State Department of Labor for the presence of friable asbestos

containing materials, and written documentation of the inspection shall be obtained. In the event that friable asbestos containing materials are found to be present, the agency shall not be authorized to occupy said space unless the Department of Central Services finds there to be a demonstrated need to do so.

(30) The Lessor shall adhere to the requirements of the Oklahoma Occupational and Safety Standards Act of 1970.

(31) The Lessor shall maintain general liability insurance to be no less than \$100,000.00 per occurrence at all times during the lease or any renewal periods unless otherwise exempt by the Department of Central Services.

(32) It is a Lessor's responsibility to ensure that the facility leased by the State complies with the American's with Disabilities Act of 1990 (Public Law 101-336) and all amendments and requirements imposed by the regulations issued pursuant to this act in so far as the requirements of the Act affects the agency.

(c) **Forms.** Forms developed by the Department of Central Services shall be utilized in all leasing transactions in non-state owned buildings. Agencies shall adhere to the provisions of the forms and applicable instructions unless otherwise exempt by the Department of Central Services.

[Source: Added at 16 Ok Reg 3125, eff 7-12-99]

580:60-1-8. Position descriptions

The following position definitions shall be used by agencies to describe the type of employees indicated on a Space Request form.

DEFINITION OF POSITIONS	JOB CLASSIFICATION
Executive	Cabinet Secretary, Agency Director
Administrators	Administrator of Small Board or Commission; Department heads; Division Chiefs
Professionals	Supervisors, systems analysts, architects, social workers, accountants, counselors, attorneys, personnel officers
Technicians	Computer programmers and operators, drafters, photographers, assessors, technicians (medical, electronic)
Paraprofessionals	Library assistants, research assistants
Office and Clerical	Secretaries, account clerks, typist clerks, dispatchers, license distributors, payroll clerks
Skilled Craft Workers	Mechanics and repairers, electricians, carpenters, typesetters, skilled machine occupations
Service Maintenance	Custodial workers, construction laborers, gardeners and grounds keepers, laundry workers
Other	Positions (not included above) where work space requirements are defined by equipment or type of work done. Room functions include computers, reproduction, mail, labs, warehouses or other specialized areas.

[Source: Added at 16 Ok Reg 3125, eff 7-12-99]