

# NIH Policy Manual

## 26102-85 - Institutes, Centers and Offices (ICOs) Forced Moves

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### Transmittal Notice

**1. Explanation of Material Transmitted:** This policy manual is a new issuance to establish uniform guidelines and procedures to compensate Institutes, Centers and Offices (ICOs) impacted by a forced move from space occupied in National Institutes of Health (NIH) owned or leased buildings.

**2. Filing Instructions:**

- **Insert:** NIH Policy Manual, Chapter 26102-85; Dated: 04/15/2021

**3. PLEASE NOTE:** For information on:

- Content regarding this chapter, please contact the [Issuing Office](#) listed above.
- NIH Policy Manual, contact the Division of Compliance Management (DCM), OMA at (301)-496-4606 or enter the URL: <https://oma.od.nih.gov/DMS/Pages/Manual-Chapters.aspx>

### A. Purpose

The purpose of this manual chapter is to establish the policy, procedures and guidelines to compensate ICOs (Institute, Center and Offices) impacted by a forced move from space occupied in National Institutes of Health (NIH) owned or leased buildings.

### B. Scope

This chapter applies to all NIH ICOs occupying space in NIH owned buildings located on the Bethesda and Poolesville, Maryland campuses, and in leased facilities in the Washington metropolitan area.

### C. Background

NIH research is dynamic and often drives program and operational changes requiring space in a specific location or building.

To respond to these changes, an ICO may need to be displaced from a building or space to accommodate a new Department of Health and Human Services (HHS) initiative, a specific legislative action or other NIH mandate.

When such an event takes place, the [NIH Facilities Working Group \(FWG\)](#) is the appropriate governance body to oversee forced moves and resolve any disputes arising from a forced move.

## **D. Policy**

It is the policy of NIH to establish business practices to streamline operations and ensure ICO space is equitably assigned and allocated consistent with NIH strategic research goals and objectives.

If an ICO is forced to move from its occupied space in a NIH facility to accommodate a program requirement, the requesting NIH Office of the Director (OD), or ICO, must compensate the displaced ICO for rent expenses and costs for associated design, alterations or renovations and relocation expenditures to cover replacing the current space requirement in a new location. The overarching principle is the ICO being forced out of space is kept whole, both in terms of the quantity, and quality, of the new space and in terms of expenses; the forced ICO should neither profit, nor lose, as the result of a forced move.

If an ICO is in leased space, and the lease comes to the end of its term, and the ICO needs to either decommission its program or find new space, that's not considered a forced move.

Enabling projects needed to support forced moves must be accomplished before, or during, the renovations to the destination space, to the satisfaction of the entity being moved.

Prior to a forced move, the associated costs and financial liability must be agreed upon by the ICOs, both the forcing and forced ICOs.

## **E. Responsibilities**

1. The [Deputy Director for Management \(DDM\)](#) and the [NIH Chief Financial Officer \(CFO\)](#) are responsible to ensure agency compliance with all budget execution policies and standards.
1. The [Director, Office of Budget \(OB\)](#), within the [Office of Management \(OM\)](#) is responsible for:
  - a. establishing alternative budget policy scenarios for consideration by NIH Leadership;
  - b. resolving relevant ICO/OD budget issues; and
  - c. monitoring and coordinating ICO budget activities.
2. The [ICOs](#) are responsible for:

- a. using the Space Request Process to obtain [NIH Space Recommendation Board \(SRB\)](#) approval of new space requirements;
  - b. obtaining FWG and NIH Leadership approval to displace an ICO from occupied space;
  - c. submitting a [Construction Request](#) to the [Office of Research Facilities Development and Operations \(ORFDO\)](#) to verify the scope, cost and schedule for space alteration or renovation requirements;
  - d. receiving HHS, and/or NIH, approval to proceed with alterations or renovations, consistent with [HHS Facilities Program Manual \(FPM\)](#) guidelines, prior to making organizational commitments;
  - e. agreeing to ICO financial compensation guidelines to support a forced move;
  - f. paying rent for existing space, until the new space is occupied, when an ICO is forced to move; and
  - g. paying rent for the forced move portion of the new space, if necessary, before occupancy takes place.
3. The [ORFDO](#) is the steward of NIH buildings and infrastructure and has overall responsibility for planning, design, construction, renovation, improvement, operations and maintenance of facilities to satisfy NIH mission requirements:
- a. The [Division of Facilities Planning \(DFP\)](#) is responsible for aiding ICOs and the NIH SRB to identify and acquire space both on and off the NIH campus;
  - b. The **Chief Engineer** is responsible for providing guidance on the use of Operating Funds for renovations and NIH and/or HHS approvals required to support them;
  - c. The [Division of Design and Construction Management \(DDCM\)](#) is responsible for handling the planning and other activities associated with space alterations and renovations;
  - d. The [Division of Technical Resources \(DTR\)](#) is responsible for managing the construction permit process, and providing technical consultation and services to support to space requirements; and
  - e. The [Office of Hospital Physical Environment \(OHPE\)](#) is responsible for providing [Construction Risk Assessments \(CRA\)](#) for alterations and renovations in the [NIH Bethesda Campus Clinical Center Complex \(CCC\)](#).
4. The [Office of Research Services \(ORS\)](#):
- a. The [Division of the Fire Marshal \(DFM\)](#) is responsible for:
    - i. reviewing and inspecting renovation projects on NIH owned properties, in compliance with the requirements of [NIH Policy Manual 1370, Fire Protection and Life Safety Building Permit Process](#);
    - ii. [Interim Life Safety Measures \(ILSM\)](#) for renovations that take place in the NIH Bethesda Campus CCC; and
    - iii. consultation on fire and life safety aspects of leased facility renovations, if requested, in addition to the required reviews and inspections by the

responsible authorities in the corresponding jurisdictions.

- b. The [Division of Physical Security Management \(DPSM\)](#) is responsible for:
    - i. performing security assessments; and
    - ii. reviewing and inspecting renovation projects on NIH facilities (both owned and leased), in compliance with the requirements of [NIH Policy Manual 1381, Physical Security Requirements for NIH Owned and Leased Facilities and the Interagency Security Committee](#) requirements.
  - c. The [Division of Amenities and Transportation Services \(DATS\)](#) is responsible for parking issues for government vehicles associated with the move.
5. The [SRB](#) is responsible for:
- a. reviewing and providing guidance regarding ICO space requests;
  - b. coordinating, funding and compensation matters with the FWG when one ICO desires to use space currently occupied by others;
  - c. approving the displacement of ICOs occupying a specific building or space within the building to support program requirements of another ICO; and
  - d. developing strategies and plans to compensate an ICO impacted by a forced move.
6. The [FWG](#) is responsible for:
- a. reviewing ICO forced move recommendations provided by the SRB; and
  - b. resolving forced move disputes, should they arise.

## **F. Procedures**

1. The **ICO** requesting a forced move must:
  - a. submit a [Space Request](#) to ORFDO/DFP to acquire space;
  - b. obtain the NIH SRB's review and approval of space requests;
  - c. obtain NIH FWG's approval to use space occupied by another ICO;
  - d. agree to the ICO financial compensation plan developed by NIH FWG to reimburse the ICO impacted by a forced move for:
    - i. rent expenses;
    - ii. cost associated with the design and construction requirements to support providing space comparable to the space previously occupied by the impacted ICO;
    - iii. relocation costs, and
    - iv. paying for new office and/or lab furniture for the number of workstations as were available in the space occupying ICO was forced to relinquish.

- e. submit a [Request for Construction Project Service](#) to verify the scope, cost, schedule, and operational constraints associated with the required space;
  - f. obtain the necessary NIH and HHS approvals prior to proceeding with an alteration or renovation;
  - g. authorize ORFDO to proceed with design and construction services based on the applicable HHS and NIH approvals; and
  - h. verify funds are available to support alterations or renovations.
2. The **ORFDO, DFP** receives and coordinates ICO Space Requests with the NIH SRB.
  3. The **NIH SRB**:
    - a. reviews all Space Requests;
    - b. in the case of a forced move, makes a recommendation to the FWG; and
    - c. upon receipt of a decision by the FWG, issues the decision on behalf of the FWG to the ICOs affected by the forced move.
  4. The **FWG** reviews and provides decisions regarding space requests involving ICO forced moves when necessary and addresses any disputes arising from forced moves.
  5. The **Chief Engineer, ORFDO** provides guidance for the use of Operating Funds for renovations and the NIH and HHS approvals, if required, to support a forced move.
  6. The **ORFDO, DDCM** assigns an individual to manage the planning, design and construction efforts to support forced move requirements in coordination with all stakeholders.

## G. References

1. [NIH Delegation of Authority, Real Property, Number 04A – Management of GSA Delegated Buildings](#)
2. [NIH Delegation of Authority, Real Property, Number 04D – Leasing of General-Purpose Space](#)
3. [NIH Policy Manual 1201- Fee for Service in Support of Facility Improvements](#)
4. [NIH Manual Chapter 1370 - Fire Protection and Life Safety Building Permit Process](#)
5. [NIH Manual Chapter 1743 – Managing Federal Records](#)
6. [NIH Rent Rules](#)
7. [NIH Space Requests](#)
8. [NIH Design Requirements Manual](#)
9. [ORFDO Funding and Budget for Construction, Alterations and Renovations](#) funding guidance.
10. [ORF's Construction Request](#)