



MAY 31 2006

GSA Public Buildings Service
RSL-2006-03

MEMORANDUM TO ASSISTANT REGIONAL ADMINISTRATORS, PBS
1P, 2P, 3P, 4P, 5P, 6P, 7P, 8P, 9P, 10P, WP
REGIONAL REALTY SERVICES OFFICERS

FROM: CHRISTOPHER REUTERSHAN
ASSISTANT COMMISSIONER FOR OFFICE OF
NATIONAL CUSTOMER SERVICES MANAGEMENT - PQ

SUBJECT: Accessibility in New Construction Leased Space

1. Purpose. This Realty Services Letter (RSL) updates GSA's accessibility standards pursuant to the Architectural Barriers Act for lease actions requiring new construction. This RSL does not apply to lease actions where offers for existing buildings will be considered.
2. Background.
 - a. The Uniform Federal Accessibility Standards (UFAS) were originally published by the four Federal standard setting agencies in 1984 to comply with the requirements of the Architectural Barriers Act of 1968 (ABA).
 - b. The U.S. Access Board published new Accessibility Guidelines with respect to the Americans with Disabilities Act (ADA) and the Architectural Barriers Act (ABA) on July 23, 2004. These updated guidelines cover access to Federal facilities under the ABA, and non-Federal facilities, including places of public accommodation, commercial facilities, and state and local government facilities, under the ADA.
 - c. The Board's updated guidelines serve as a baseline for standards used to enforce the ABA and the ADA. On November 8, 2005 GSA adopted the new ABA Accessibility Standard (ABAAS) through its publication in the Federal Register. See 41 CFR §§102-76.60 – 102-76.95.
 - d. In accordance with 41 CFR paragraph 102 – 76.65(a), GSA has adopted Appendices C and D to 36 CFR Part 1191 (ABA Chapters 1 and 2, and Chapters 3 through 10) as the ABAAS. The original implementation date of May 8, 2006 has been extended to August 7, 2006 through publication of FMR Amendment 2005-03, Supplement 1 in the Federal Register. Pursuant to the regulation, leases entered into after August 7, 2006 must require that the facilities comply with ABAAS. If the lease is entered into before August 7, 2006, the heretofore existing UFAS standards apply.
 - e. This RSL provides immediate implementation guidance for lease actions that require new construction to meet the Government's space needs. Implementation guidance for lease actions involving existing buildings will be issued in a subsequent RSL.

3. Effective Date/Expiration Date. These instructions are effective immediately and will expire in 1 year, unless modified, extended, or canceled earlier. Immediate implementation, for purposes of this RSL, means all leases that require new construction to meet the Government's space needs awarded on or after June 30, 2006 must include solicitation for offers (SFO) paragraphs that require compliance with ABAAS.
4. Cancellation. RSLs PQRP-89-08 and PQRP-90-03 are cancelled with respect to lease actions requiring new construction to meet the Government's space needs. They remain in effect for lease actions involving existing buildings, although it is anticipated they will be cancelled in their entirety upon issuance of the further guidance referenced in paragraph 1(e) above.
5. Applicability. All real property leasing activities.
6. Instructions/Procedures.
 - a. GSA associates and support contractors must amend all lease SFOs that require new construction to meet the Government's space needs that will be awarded on or after June 30, 2006 to require compliance with ABAAS. This includes all such SFOs regardless of how far a procurement is in the acquisition cycle, including procurements where revised proposals (also known as best and final offers) have been requested. Suggested language for affected SFO paragraphs is included as the Attachment to this RSL.
 - b. We will issue further instructions when this guidance is incorporated into eLease and its standard forms and templates. The revised SFO paragraphs will be dated May 2006.
 - c. The new ABAAS does not provide for acceptance of a substantially compliant proposal if no fully compliant proposals are received. The paragraph titled *Accessibility and Seismic Safety (SEP 2000)* does not apply to new construction SFOs. Seismic safety provisions are unchanged.
 - d. SFO's for new construction must use the new Paragraph 1.XX, titled *Accessibility for New Construction (May 2006)* per the attachment and the existing Paragraph 1.XX, titled *Seismic Safety for New Construction (SEP 2000)*.
 - e. GSA associates and support contractors may contact gary.roberts@gsa.gov if they have questions on the procurement aspects of this policy and thomas.williams@gsa.gov or the Regional Accessibility Officer on architectural/technical questions.
 - f. Agencies using delegated authority may contact the U.S. Access Board on (800) 872-2253 (800) 993-2822 (TTY) or www.access-board.gov.

Attachment:

Accessibility in New Construction Leased Space

Accessibility in New Construction Leased Space

Paragraph 1.XX, titled "Building Shell Requirements", is amended by deleting subparagraph A.2 and A.11, inserting the following:

2. *Accessibility Requirements.* Accessibility to persons with disabilities shall be required throughout the space leased by Government tenants; toilet rooms and drinking fountains available to Government tenants; and common spaces available to all building occupants, excluding mechanical or custodial rooms, or areas occupied by other tenants, in accordance with the Architectural Barriers Act Accessibility Standard (ABAAS), Appendices C and D to 36 CFR Part 1191 (ABA Chapters 1 and 2, and Chapters 3 through 10), and shall be installed and coordinated with Tenant Improvements. To the extent the standard referenced in the preceding sentence conflicts with local accessibility requirements, the more stringent standard shall apply.

11. *Safety and Environmental Management.* Complete safety and environmental management shall be provided throughout the building in accordance with federal, state, and local codes and laws including, but not limited to, such items as fire detection and alarms, emergency building power for life safety systems, etc., and shall be in accordance with the ABAAS. Where sprinklers are required in the Government-demised area, sprinkler mains and distribution piping in a "protection" layout (open plan) with heads turned down with an escutcheon or trim plate shall be provided.

Paragraph 1.XX, titled "Accessibility for New Construction", is revised as follows:

To be considered for award, buildings to be constructed shall meet the new construction requirements of the Architectural Barriers Act Accessibility Standard (ABAAS), Appendices C and D to CFR 36 Part 1191 (ABA Chapters 1 and 2, and Chapters 3 through 10). To the extent the standard referenced in the preceding sentence conflicts with local accessibility requirements, the more stringent standard shall apply.

Paragraph 2.XX, titled "Accessibility and Seismic Safety, if included in this SFO, should be deleted. Paragraph 1.XX, titled "Seismic Safety for New Construction" remains in full force and effect.

Paragraph 6.XX, titled "Elevators", is amended in subparagraph B, "Code", by deleting "both the ADAAG and the UFAS" and inserting in lieu thereof "ABAAS".

Paragraph 6.XX, titled "Lighting: Interior and Parking", is amended in subparagraph A.1.e, by deleting "both the ADAAG and the UFAS" and inserting in lieu thereof "ABAAS".