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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: Airport Leasing for the Transportation Security Administration

1. Purpose. This Realty Services Letter issues procurement tools and instructions for realty specialists that are customized for leasing airport space for the Transportation Security Administration (TSA).
2. Background.
  - A. The Office of National Customer Services Management, regional customer services directors, and regional account managers developed a Customer Business Plan for TSA with a service delivery model that designates "a single airport leasing specialist within each region" to TSA.
  - B. On March 2, 2006, the Assistant Commissioner for the Office of National Customer Services Management notified the Assistant Regional Administrators (ARAs) that the plan was being put into effect and for regions to designate a leasing specialist.
3. Effective Date/Expiration Date. This memorandum and attachments are effective on the date of issuance and will expire 12 months from the date of issuance unless extended.
4. Cancellation. None.
5. Applicability. These instructions apply to all TSA continuing need requirements for support and administrative space (such as office, break, training, and storage) but not security checkpoint screening areas (baggage and passenger screening areas) on airport property. By law, security checkpoint screening areas are provided to TSA free of charge by the airport authority or owner. On-airport property is defined here as any space leased from the airport authority or owner within the boundaries of the airport's property line.
6. Instructions/Procedures. Each PBS ARA must designate a leasing specialist to execute all TSA leases on airport property. The leasing specialist must use the following instructions and lease documents for all TSA space acquisitions on airport property.

- A. Justification for Other than Full and Open Competition (JOFOC). The leasing specialist must use the attached Justification for all TSA continuing need requirements on airport property. In addition, the leasing specialist must place a sole source advertisement, using the language attached, with either FedBizOpps or the appropriate local media for all requirements regardless of square footage. Locations off airport property must be competed on a full and open basis. Space acquired using the JOFOC must be designated "non-cancelable" in the Occupancy Agreement.
- B. Acquisition Plan. The GSA leasing specialist must use the attached Acquisition Plan for all TSA on-airport continuing need requirements exceeding the simplified acquisition threshold and all extensions regardless of dollar amount. The leasing specialist must notify TSA of lease expiration dates at least 18 months in advance and immediately commence procurement planning. The leasing specialist must prepare the acquisition plan at least 12 months in advance of lease expiration date. The ARA or designee must approve the Acquisition Plan with the lease action clearly identified. If a designee is approving for the ARA, the designee's signature must be in the ARA's signature block. The leasing specialist must place a copy of the Acquisition Plan in the lease file. The ARA's approval is in addition to the approvals required by the General Services Acquisition Regulations (GSAR), section 570.405.
- 1) Continuing need lease actions for a term greater than one year must be either succeeding or superseding.
  - 2) Extensions greater than 12 months are not appropriate unless extraordinary circumstances compel otherwise. If an extension is the only viable course of action, the Acquisition Plan must clearly state the reason why. The ARA or designee must approve the Acquisition Plan with the lease action clearly identified. A copy of the Acquisition Plan must be placed in the lease file. The ARA's approval is in addition to the approvals required by GSAR, section 570.405.
- C. Floodplains. The PBS Office of Applied Science developed the following protocol for TSA on-airport leases to comply with Executive Order 11988, Floodplain Management (42 F.R. 26951; May 24, 1977):
- 1) It is known that a number of U.S. airports are located in floodplains. Therefore, the leasing specialist must contact the regional environmental quality advisor (REQA), attachment 4, with the complete regional inventory of TSA on-airport leases to ascertain the floodplain status of each site. The REQA must then verify whether or not the space to be leased is in a 100-year floodplain or 500-year floodplain.
    - i. If found to be in a 100-year floodplain:

The REQA must contact the airport facility manager to determine previous floodplain analysis activities and mitigation measures implemented by the airport; issue GSA's determination notice; and provide this determination notice to the leasing specialist who will post it for 30 days on or adjacent to the front door of TSA's leased space.
    - ii. If found to be in a 500-year floodplain:
      - a. The REQA will determine whether the TSA activity to be conducted in the leased space is a "critical action," as defined in GSA's Floodplain Management Desk Guide by sending a letter

using the attached template, addressed to TSA's Office of Real Estate Services.

- b. If TSA confirms that it is not a critical action, place TSA's response letter in the lease file.
  - c. If TSA confirms that it is a critical action, follow the steps outlined above for facilities in the 100-year floodplain.
- 2) Copies of any of the documents generated or received during or as a result of the above steps must be placed in the lease file, with the dates, and dates of posting, noted.
- D. Compliance with the National Environmental Policy Act (NEPA). GSA's NEPA implementing regulations, the NEPA Desk Guide, recognize that lease extensions, renewals or succeeding leases can be categorically excluded (CATEX) from NEPA analysis. In particular, §5.3(e) sets forth an "automatic CATEX" for such actions in recognition that the chances of significant environmental impacts from such actions "are so extremely limited that review of each such action is not warranted." The Desk Guide recognizes that any activity that is otherwise subject to an automatic CATEX could have the potential for a significant impact and require some level of NEPA analysis due to extraordinary circumstances. However, the determination here is that the above mentioned lease actions, for TSA on-airport continuing need requirements, meet the standard for this automatic CATEX. The leasing specialist must document this determination in the lease file, Tab II, Pre-Solicitation, with the following notation: "This lease action [specify which type it is: extension, renewal or succeeding lease] meets the definition of an activity that meets the requirement of an automatic CATEX, as specified in the GSA PBS NEPA Desk Guide, §5.3(e)."
- E. Federal Aviation Administration (FAA) Sponsor Assurances. A summary and cross reference of the GSA general clauses required by law and the general clauses that are duplicated in the FAA's Sponsor Assurances are attached for the benefit of the realty specialist in negotiating the inclusion of clauses with airport authorities.
- F. TSA Approvals. TSA's Office of Real Estate Services must approve all acquisition plans, solicitations and lease documents for TSA leases on airport property. The GSA leasing specialist must give TSA 7 working days to respond; after 7 days, the leasing specialist may proceed.
- G. These instructions and documents are available on PBS InSite and on [www.gsa.gov/leasing](http://www.gsa.gov/leasing) under the "Realty Policy and Tools" section, "Realty Services Letters" subheading.

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| Attachment 1: | JOFOC  |
| Attachment 2: | Sole Source Advertisement Language           |
| Attachment 3: | Acquisition Plan                             |
| Attachment 4: | Regional Environmental Quality Advisors      |
| Attachment 5: | Floodplain Protocol and Determination Notice |
| Attachment 6: | Floodplain Critical Action Letter to TSA     |
| Attachment 7: | FAA Sponsor Assurances Summary               |