

March 28, 2002

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

FROM: WILLIAM B. JENKINS (signed)
NATIONAL REALTY SERVICES OFFICER
OFFICE OF REALTY SERVICES – PE

SUBJECT: Relocation Assistance for Lease Construction

1. Purpose. This real property letter clarifies requirements for implementation of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646), as amended (the Uniform Act), on lease construction projects and issues a new SFO paragraph.
2. Background.
 - a. Title II (Uniform Relocation Assistance) of the Uniform Act applies to all lease construction cases regardless of annual rental, square footage, lease term, or whether it is site specific. The relocation provisions of the Act apply to leasing actions where persons are displaced as a result of the condemnation of a leasehold interest, threat of condemnation, or lease construction.
 - b. Implementing regulations for the Uniform Act are found at 49 CFR, Part 24. A displacing agency as defined at 49 CFR 24.2(2), means any Federal agency carrying out a program or project, and any State, State agency, or person carrying out a program or project with Federal financial assistance, which causes a person to be a displaced person. The “financial assistance” in the case of a lease construction project is rent.
3. Effective Date/Expiration Date. These instructions and SFO paragraph are effective for new lease solicitations for offers (SFOs) prepared on or after the date of issuance, and will expire 12 months from the date of issuance, unless extended. Realty Specialists may amend SFOs for ongoing acquisitions as deemed appropriate.
4. Cancellation. PRL-82-11, *Application of Relocation Assistance Act*, is canceled.
5. Applicability. All real property leasing activities.
6. Instructions/Procedures. Business guidance is attached.

Attachment

Uniform Relocation Assistance for Leasing Business Guidance

1. Lease Requirements. When realty specialists request offers that may involve lease construction, they shall require offerors to include in shell rent any increased lease cost resulting from the requirement to provide relocation assistance to tenants on the site. GSA is responsible for ensuring compliance with the requirements of 49 CFR 24, notwithstanding the lessor's contractual obligation to GSA to comply (Ref. 49 CFR 24.4, Assurances, monitoring and corrective action). Therefore, when offers may involve lease construction, the lease shall require the lessor to provide satisfactory assurances that fair and reasonable relocation payments and assistance shall be provided to or for displaced persons, as are required to be provided by a Federal agency under sections 202, 203, 204, and 205 of Title II of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646), as amended (the Uniform Act).
2. Lease Construction-Definition. Lease construction is new construction of a facility for Government use in response to GSA's formal solicitation for offers. The construction may be either on a pre-selected site assigned by GSA to the successful offeror or on the offeror's site.
3. Consultation. Due to the complexity of the Uniform Act regulations, the Realty Specialist who encounters questions related to its applicability and implementation should consult with the Regional Site Acquisition Specialist, Regional Counsel, or the Office of Realty Services for guidance.
4. SFO Paragraph. Realty Specialists shall include the following paragraph in SFOs as applicable. The text of the paragraph may be altered, but must contain substantially the same provisions as the paragraph below.

RELOCATION ASSISTANCE ACT (March 2002)

- A. If an Offeror proposes an improved site and new construction will result in the displacement of individuals or businesses, the successful Offeror shall be responsible for payment of relocation costs in accordance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646), as amended, and the implementing regulations at 49 CFR Part 24.
- B. Offerors shall incorporate the cost of such assistance into their shell rental rate.
- C. The successful Offeror shall give GSA the name of the person and agency to be providing the relocation assistance to site tenants. In addition, the successful Offeror must provide background information about the relocation agency and references for which the relocation agent has performed relocation assistance in the past. Depending upon the complexity of the relocation project, Offerors may be required to provide a relocation plan with final proposal revisions.