



LEASE DELEGATIONS

- ◆ Current Regulation FMR Bulletin 2005-B1
- ◆ Types of Lease Acquisition Delegations
- ◆ Delegation Letter
- ◆ Agency Requirements
- ◆ Contact Info
- ◆ Background and History



FPMR ► FMR

- ◆ FPMR migrates to FMR (Federal Management Regulations)
December 13, 2002
- ◆ Cross-refers FPMR at 41 CFR 101-18 to FMR at 41 CFR 102-73
- ◆ Significant re-write of delegations programs in a Q&A format
- ◆ 3 types of delegations



Where do I find delegations info?

- ◆ Delegations of Leasing Authority
- ◆ 102-73.135— When may agencies that do not possess independent leasing authority lease space?
- ◆ More slides later on the delegation types available



Current Influence

- ◆ Executive Order No. 13327, Federal Real Property Asset Management
- ◆ Dated February 4, 2004
- ◆ Promotes efficient and economical use of Federal real property resources
- ◆ Agencies to establish performance measures addressing cost, value and efficiency
- ◆ Agencies using GSA delegation must apply these measures to their acquisitions



Latest Changes

- ◆ FMR Bulletin 2005-B1
- ◆ Published in the Federal Register on May 25, 2005
- ◆ Reemphasizes and updates notification and reporting requirements previously in effect
- ◆ GSA Bulletin FPMR D-239 and its Supplement 1 are canceled and superseded by 2005-B1

Three Types of Leasing Delegations

- ◆ General Purpose
- ◆ Categorical
- ◆ Special Purpose





Types of Leasing Delegations

◆ General Purpose

- Can't Beat GSA Leasing/Provider of Choice (CB/POC) delegations fall into this category
- CB/POC is a standing delegation of authority
- Other actions may require another type of general purpose delegation
- Delegations issued on a project by project basis



Types of Leasing Delegations

◆ General Purpose

- CB/POC is a standing delegation of leasing authority to the agencies [uses FMR 102-72.30(b)]
- Agencies inform us of their decision to use this standing delegation of authority
- We review info to determine if their project meets CB/POC parameters and basically agree with their use of it



Types of Leasing Delegations

◆ General Purpose—Others

- Agencies may request a general purpose delegation for projects which do not meet the parameters for the CB/POC standing delegation [uses FMR 102-73.135(c)]
- e.g. If an agency wants to do a prospectus level lease using GSA leasing authority, the Administrator can delegate leasing authority for that project.



Types of Leasing Delegations

◆ Categorical

- A standing delegation of authority for a particular type of space.
- All federal agencies may use it.
- Terms, including all options, up to 20 years
- See FMR 102-73.150 for categories (antennas, depots, docks, fumigation, greenhouses, hangars, hospitals, etc.)



Types of Leasing Delegations

◆ Special Purpose

- A standing delegation of authority to a specific agency for their own special purpose space
- Terms, including all options, up to 20 years unless delegation authority says otherwise
- See FMR 102-73.165 through 102-73.220 for agencies and their special purpose spaces



General and Special Purpose Delegation Letters

- ◆ Agency must ask relevant ARA in writing whether suitable federally-controlled space is available
- ◆ Terms, including all options, up to 20 years unless delegation letter says otherwise
- ◆ Must be compatible with GSA community housing plans for new federal construction of suitable space that will become available
- ◆ GSA responds in writing and advises agency as to any limiting factors



When and what info agency provides for General Purpose Delegation?

- ◆ Before instituting any new, succeeding, superseding action
- ◆ Agency provides name of contracting officer
- ◆ Contracting Officer to be registered in ACMIS
- ◆ Agency provides limited acquisition plan meeting requirements of GSAM Part 507.1
- ◆ If use of authority granted and agency decides not to exercise, must notify ARA in writing



What must GSA include in a Delegation Letter?

- ◆ Reply to the delegation request in writing
- ◆ Notify that no suitable federally-controlled space is available (if the case)
- ◆ State any limiting conditions such as lease term to avoid conflicts with community housing plans



Agency Requirements

- ◆ For General, Categorical or Special Purpose Space delegations:
 - Agency must have prior written confirmation from the ARA before relocating from GSA-controlled federal or leased space
 - Lease action cannot exceed prospectus threshold
 - Redlegation may only be made to those fully meeting the experience and training requirements of the COWP as specified in GSAM 501.603-1



Agency Requirements, Con't

- ◆ For General, Categorical or Special Purpose Space delegations:
 - Must acquire and utilize in accordance with all applicable laws, regs, etc.
 - Agencies must maintain capacity to support all delegated leasing activities, including warranted CO, legal review and oversight, M&I, cost estimation, lease mgmt and admin, program oversight
 - Acquire space at prevailing market rates
 - Accountability through agency's senior Real Property Officer



Agency Requirements, Con't

- ◆ For General, Categorical or Special Purpose Space delegations applicable laws and regs include, but are not limited to:
 - Competition in Contracting Act
 - Federal Management Regulations
 - Executive Order No. 12072
 - Executive Order No. 13006
 - Executive Order No. 13327
 - Davis-Bacon Act
 - OMB Circular A-11 (Scoring)
 - GSAM



Agency Requirements, Con't

- ◆ For General, Categorical or Special Purpose Space delegations:
 - GSA retains right to assess integrity of each lease action as well as capability of agency to perform all delegated leasing activities and may revoke delegation
 - Leasing performance info now required on all categories of lease delegations



Agency Requirements, Con't

- ◆ For General, Categorical or Special Purpose Space delegations:
 - Semi-annual reports due April 30 and October 31 to OGP (email to real.property@gsa.gov)
 - 9 elements to report on



Additional Requirements for General Purpose Delegations

- ◆ Upon award, agency must provide to GSA Regional Office:
 - Notification of the award date and location of property
 - Documentation that the rental rate is within prevailing market rates or explanation why it exceeds
 - 18 months advance notice of lease expiration if there is a continuing need for space and agency wishes to use delegation again



REMEMBER

- ◆ No GSA delegation provides authorization to other agencies to:
 - Conduct procurements on behalf of other agencies
 - Collect rent from other agencies
- ◆ See FMR Bulletin 2005-B1 (4)(a).
- ◆ Exceptions are projects for Interior and USDA under Service First Act



SERVICE FIRST ACT

- ◆ Allows Interior and USDA agencies to handle procurements so their agencies may co-locate to better serve their customers
- ◆ Agencies may bill the other for the space
- ◆ Public Law 106-291. Dated October 11, 2000. Sec. 330. 43 USC 1701.
- ◆ H.R. 109-080, page 176 Section 428 extends program through FY 2008
- ◆ <http://www.fs.fed.us/servicefirst/legislation.htm>




FOR MORE INFORMATION

- ◆ http://www.gsa.gov/gsa/cm_attachments/GSA_DOCUMENT/FMR_R2-iD3U_0Z5RDZ-i34K-pR.pdf
- ◆ Section C
- ◆ Contact Laura Strohbach at 202/208-0664 or via email at laura.strohbach@gsa.gov
- ◆ Solutions Development, Realty Policy
- ◆ 1800 F Street NW, Room 2037
- ◆ Washington, DC 20405



Additional Information Evolution of General Purpose Delegation Program



Evolution of General Purpose Delegation Program

- ◆ Program has undergone several iterations and refinements since October 1996
- ◆ Following slides provide a brief overview



Early Barram Letter

- ◆ Sept 26, 1996 Barram letter to heads of agencies describing program
- ◆ Program effective Oct 14, 1996
- ◆ 6 conditions stated in addendum to letter



Early Peck Letter

- ◆ November 15, 1996 Peck letter with addendum
- ◆ Addendum has 9 conditions plus 4 reporting requirements
- ◆ Reflects that House Committee on Transportation and Infrastructure directs that delegation is only for below prospectus for FY97.

GSA Bulletin FPMR D-239



- ◆ Published in the Federal Register on October 16, 1996
- ◆ Announced a new GSA leasing program called ``Can't Beat GSA Leasing''



GSA Bulletin FPMR D-239

- ◆ Agency contacts GSA ARA/PBS to determine whether suitable Government-controlled space is available.
- ◆ Can move from GSA-controlled space when ARA confirms suitable space cannot be provided.
- ◆ Prospectus (prepared by GSA) approved by Congressional Committees.

GSA Bulletin FPMR D-239



- ◆ Re-delegation may be made to someone adequately trained as lease contracting officers
- ◆ Must acquire and utilize space in accordance with all applicable laws and regs
- ◆ Agencies to periodically provide GSA with leasing performance info to OGP



GSA Bulletin FPMR D-239 Supplement 1

- ◆ Published in the Federal Register on December 18, 1996
- ◆ Issued supporting information for the delegation.



GSA Bulletin FPMR D-239 Supplement 1

- ◆ Reiterates use of adequately trained lease contracting officers for procurements
- ◆ Provides list of courses needed
- ◆ Agencies using the delegation asked to provide OGP with leasing performance data semi-annually.
- ◆ First report due April 30, 1997



GSA Bulletin FPMR D-239 Supplement 1

- ◆ Provides address to send reports
- ◆ Report to have disk and spreadsheet
- ◆ Lists 15 criteria to report to OGP



Another Letter

- ◆ March 19, 1997 letter to agencies
- ◆ Makes the prohibition on prospectus leases permanent
- ◆ Lists 9 criteria to follow for acquisition
- ◆ Includes ability to do 20 year term
- ◆ Agencies must notify GSA 1 year before their lease expires

41 CFR 101-18

- ◆ Acquisition of Real Property was in 41 CFR 101-18 of the FPMR (Federal Property Management Regulations)
- ◆ Included certain delegations info such as:
 - Categorical (recruiting offices, certain special agricultural activities)
 - Special purpose (for USDA, Commerce & Defense to lease outside urban centers)
- ◆ FMR changed parts of the FPMR regarding delegations

