



Naomi - PXG
PX-2002-01

GSA Public Buildings Service

February 1, 2002

MEMORANDUM FOR ALL REAL PROPERTY LEASING ACTIVITIES
(PX DISTRIBUTION LIST)

FROM:


PAUL M. LYNCH
ASSISTANT COMMISSIONER FOR
BUSINESS PERFORMANCE - PX

SUBJECT:

Lease File Index Revision

1. Purpose. This real property letter transmits a revision to the recommended lease file index. This index may also serve as a checklist for required documentation.
2. Background.
 - a. On October 1, 2001, a real property transmittal letter was issued for a standard lease file index and guidance. This was in response to PricewaterhouseCoopers LLP (PwC) FY 2000 Management Letter under contract to the Office of Inspector General (IG) that addressed leasing, included in the IG's Report Number A001012/B/F/F01012 and transmitted by the Regional Inspector General for Auditing to the Acting Commissioner on May 29, 2001.
 - b. A revision of the lease file checklist and guidance is being issued to incorporate NEPA requirements, and to add sub-tab VII (B) TI SFO Documents.
 - c. Effective Date/Expiration Date. These instructions are effective for new lease acquisitions initiated on or after the date of issuance, and will expire 12 months from the date of issuance, unless extended. Realty Specialists may reorganize files for ongoing acquisitions as deemed appropriate.
4. Cancellation. None.
5. Applicability. All real property leasing activities.
6. Instructions/Procedures.
 - a. Realty Specialists shall use the attached lease file index (Attachment 1) to organize lease files and include the index in the file. Regional variations based upon this index are authorized; however, the regional index must include all required documentation and that index must be in lease files. Attachment 2 contains guidance on the information to be included under each tab.
 - b. This index does not exhaust the list of possible documents for a lease file; therefore, additional items should be added on the "Other" line at the end of each tab.

Attachments

STANDARD LEASE FILE INDEX AND CHECKLIST

STAR PROJECT NUMBER: _____ LOCATION: _____

OA NUMBER: _____ AGENCY: _____

LEASE NUMBER: _____ CBR NUMBER: _____

LOCATION CODE: _____ SQUARE FOOTAGE: _____

CONTRACTING OFFICER: _____

I. REQUIREMENT	REQUIRED	NOT REQUIRED	DOCUMENT IN FILE
A. SF-81 or other request for space			
B. Special Requirements (Specs)			
C. Title 10 Clearance for Armed Services			
D. Notification to City Official			
E. Justification of Delineated Area			
F. Draft OA			
G. Scoring Evaluation			
H. Other:			

II. PRE-SOLICITATION	REQUIRED	NOT REQUIRED	DOCUMENT IN FILE
A. Acquisition Plan			
B. Justification for Other Than Full and Open Competition			
C. Historic Building Check			
D. Flood Plain Check			
E. Prospectus/Notification of Approval			
F. Copy of Advertisement or EPS Page Printout			
G. Responses to Advertisement			
H. Market Survey, Market Survey Report, & Agency Concurrence			
I. CATEX checklist			
J. Source Selection Plan (signed) and Related Correspondence			
K. Award Factor Evaluation			
L. Vending Facilities			
M. Other			

STANDARD LEASE FILE INDEX AND CHECKLIST

III. SOLICITATION	REQUIRED		NOT REQUIRED		DOCUMENT IN FILE
A. Draft SFO					
B. Agency Approval of SFO					
C. OA Revision					
D. Final SFO					
E. SFO Distribution List					
F. SFO Amendments/Addenda					
G. Correspondence to Offerors					
H. Davis-Bacon Wage Rates					
I. Other:					

IV. EVALUATION/PRE-NEGOTIATION	REQUIRED		NOT REQUIRED		DOCUMENT IN FILE
A. Negotiation Objectives					
B. Appraisal					
C. Estimates:					
D. Tenant Improvement Cost					
E. Overtime Rates					
F. Competitive Range ¹ Determination/Notification					
G. Request for FPS Pre-Lease Security Survey					
H. Request for Contractor Support Services Related to Lease Acquisition (IOS, CQM, etc.)					
I. Other:					

V. UNSUCCESSFUL OFFER(S)	REQUIRED		NOT REQUIRED		DOCUMENT IN FILE
A. Initial Offer and Related Correspondence					
B. Abstract of Offers					
C. Fire/safety Request & Report or Certificate of Occupancy					
D. Scaling of Offered Space					
E. Present Value Price Evaluation					
F. Pre-Award Notice & Rejection Letters					
G. Pre-Award Debriefing					
H. Request for Best & Final Offers					
I. Offers Received after Best & Finals					
J. Post-Award Notice & Rejection Letters					
K. Post-Award Debriefings/Protests & Resolution/Congressional & Responses					
L. Other:					

STANDARD LEASE FILE INDEX AND CHECKLIST

SUCCESSFUL OFFER VI. & AWARD DETERMINATION	REQUIRED	NOT REQUIRED	DOCUMENT IN FILE
A. Initial Offers and Related Correspondence			
B. Abstract of Offers			
C. Fire/safety Request & Report or Certificate of Occupancy			
D. Negotiations of Environmental Remediation			
E. Scaling of Offered Space			
F. Request for Best & Final Offer			
G. Present Value Price Evaluation			
H. Price Negotiation Documentation			
I. Award Factor Evaluation Report			
J. Source Selection Evaluation Report (Initial and Final)			
K. Conflict of Interest Acknowledgement			
L. Source Selection Authority Decision Document			
M. Revised Scoring Evaluation			
N. Agency Letter of Acceptance With Revised and Signed OA			
O. Small Business Subcontracting Plan			
P. Affirmative Action Plan			
Q. Seismic Certification			
R. Flood Plain Compliance			
S. Responsibility Check Debarred Bidders List Check Past Performance Financial Responsibility			
T. EEO Compliance Review			
U. Randolph Sheppard Act Info			
V. Other:			

VII. CONTRACT	REQUIRED	NOT REQUIRED	DOCUMENT IN FILE
A. Award Letter			
B. Legal Review & Comment			
C. Fully Executed Lease			
D. Supplemental Lease Agreements			
E. Other:			

STANDARD LEASE FILE INDEX AND CHECKLIST

VII (B) TI SFO DOCUMENTS	REQUIRED		NOT REQUIRED		DOCUMENT IN FILE
A. TI Cost Breakdown					
B. GSA Review of TI Costs					
C. Evidence of Competitive Bidding Process or Cost or Pricing Data for TI Costs					
D. Drawings/Layouts from Agency					
E. Other:					

VIII. APPROVAL DOCUMENTS	REQUIRED		REQUIRED		IN FILE
A. Pre-validation of B/A 53 Funding					
B. Final Occupancy Agreement					
C. Legal Concurrence					
D. Drawings/Layouts from Agency					
E. Fire/safety Approval of Layout Drawings					
F. Layouts to Lessor					
G. Finish Schedule to Lessor					
H. Other:					

IX. PRE-OCCUPANCY					
A. Post Award Synopsis					
B. Copy of Letter Transmitting Lease to Field Office					
C. Copy of Letter Transmitting Lease to Agency					
D. Notification of lease location to FPS					
E. Request to GSA PMC for Utility Contract					
F. COR Letters to Lessor					
G. COR Letters to Designated Agency Representative					
H. Construction Inspection Reports/Meeting Minutes					
I. Davis-Bacon Interview Forms & Wage payment					
J. Acceptance of Space/Condition Survey Measurement of Space Correction of Deficiencies Credits/Debits Punch List Resolution					
K. Change Orders Related to Initial Occupancy					
L. CAD as-builts to CIFM					
M. Other:					

STANDARD LEASE FILE INDEX AND CHECKLIST

X. ADMINISTRATION	REQUIRED			NOT REQUIRED			DOCUMENT IN FILE
A. EFT Enrollment							
B. Operating Cost Escalations							
C. Tax Escalations/Appeals							
D. Change of Ownership							
E. DUNS Number							
F. Lease Digest (R620)							
G. RWA's							
H. Miscellaneous Correspondence							
I. Appeals/Claims/Disputes Correspondence Contracting Officer Decision Resolution Unresolved Claim GSBCA or Claims Court Decision Payment							
J. Other:							

STANDARD LEASE FILE INDEX GUIDANCE

I. Requirement

- A. SF-81, Request for Space, is no longer required; however, some agencies are still using this form. Other methods to request space are acceptable such as a documented phone call or letter from the agency.
- B. Special Requirements - Specifications and Plans identifying agency needs above the shell and tenant improvement language in the SFO.
- C. Title 10 Clearance – Title 10 USC 2662(e) states – No element of the DOD shall occupy any general purpose space leased for it by the GSA at an annual rental in excess of \$500,000 (excluding the cost of utilities and other operation and maintenance services). DOD still has to report under Title 10 if this is a new lease, if lease started with an annual rental under \$500K and will cross the threshold through rent escalation. Acquiring the Title 10 Clearance is a DOD responsibility and not GSA.
- D. Notification to City Official – Letter to Mayor or City Planning Board. Executive Order 12072
- E. Justification of Delineated Area – Required if not in CBD. Also required when crossing over Congressional Districts.
- F. Draft OA – First Draft of the Occupancy Agreement sent to the agency for concurrence to proceed with project. OA should identify estimated market rate, tenant improvement allowance, and any ad hoc clauses unique to this space action. Examples of ad hoc clauses would include, but are not limited to, any environmental restoration language upon lease termination, waiver of 120-day notification requirement.
- G. Scoring Evaluation: OMB Circular A-11, Criteria and Scoring Ramifications for Operating and Capital Leases. Reference the Portfolio Web-Site titled "Lease Score Keeping Model."
- H. Other:

II. Pre-Solicitation

- A. Acquisition Plan – Required for leases exceeding simplified acquisition threshold. This should begin as soon as the agency need is identified, preferably well in advance of the fiscal year in which contract award is necessary and issuance of the SFO, and approved by the Contracting Officer except as stated in GSAM 507.102. There is no mandatory format for acquisition plans and the Contracting Officer approves the plan. The requirement for acquisition planning may be satisfied by several methods, such as the development of a schedule with the client agency, by an automated plan (as in STAR), or by a written plan.
- B. Justification for Other Than Full and Open Competition – FAR 6.303 – A contracting officer shall not commence negotiations for a sole source contract without written justification identifying the cause as outlined in FAR 6.302 and required approvals are obtained as required by 6.304.
- C. Historic Building Check – Public Buildings Cooperative Use Act of 1976, Executive Order 13006, and Section 106 of the National Historic Preservation Act.
- D. Flood Plain Check – Executive Order 11988 and NEPA Call-In Fact Sheet (web-site) dated 9/97.
- E. Prospectus/Notification of Approval – GSA Order PBS P7000.12, Chapter 5, OMB Bulletin 91-02, and OMB Circular A-11. Check with Regional Portfolio Management for the current threshold as it is adjusted annually.
- F. Copy of Advertisement or EPS Page Printout – GSAM 505.101
- G. Responses to Ads - All expressions of interest should be documented in writing for the file, including phone calls.
- H. Market Survey Forms and Reports with Agency Concurrence - GSAM 570.301
- I. CATEX checklist and Environmental Assessment/Impact Statement (if applicable) – Executive Order 12873 and 40 CFR 1508.9. Environmental checklist review should be coordinated with the Regional Environmental Quality Advisor. The checklist can be found at http://insite.gsa.gov/pbs/environmental_hotline.htm
- J. Source Selection Plan and Related Correspondence - Best value tradeoff process is used when evaluation of offers is based on Price and Other Factors. FAR 15.1

STANDARD LEASE FILE INDEX GUIDANCE

- K. Award Factor Evaluation Criteria
- L. Vending Facilities paragraph required in the SFO whenever the requirement- 1) involves 100 or more occupants, **and** 2) at least 15,000 square feet of space. Minimum of 250 square feet must be offered to the blind. Contact the regional Concessions group for amount of space to be entered.
- M. Other.

III. Solicitation

- A. Draft Solicitation for Offers - (GSAM 570.302 and 570.303-1) The Tenant Improvement (TI) SFO is not mandatory; however, it is the SFO that is being kept current with all updated required clauses. If using a variation of the SFO, ensure all mandatory clauses are incorporated.
- B. Agency Approval of SFO - The agency is required to review and approve the SFO and Special Requirements before the solicitation is sent to potential offerors.
- C. Revised Occupancy Agreement - A revised OA should be sent to the agency reflecting any changes to the draft OA that were identified during or after the market survey.
- D. Final SFO - The SFO sent to prospective offerors with all agency changes incorporated and all appropriate forms such as GSA Forms 3516, 3517, 3518, 1364 and 1217.
- E. SFO Distribution List - Indicates all potential offerors receiving the SFO, and date the SFO was issued.
- F. Amendments/Addenda - All changes to the SFO are to be documented as an amendment or addenda to the SFO. All amendments/addenda are to be sent to all potential offerors that received the SFO. GSAM 570.303-4
- G. Correspondence to Offerors - This includes cover letters sent with the SFO and Amendments/Addenda. Also includes phone contact records of conversations with the offeror and any letters of clarification prior to the receipt of initial offers.
- H. Davis Bacon Wage Rates - Is required for new construction or complete rehabilitation or reconstruction of an existing building when the Government will be the sole or predominant tenant, such that any other use of the building will be functionally or quantitatively incidental to the Government's use and occupancy.
- I. Other:

IV. Evaluation/Pre-negotiation

- A. Negotiation Objectives - Establishes the Government's negotiation position and assists in the contracting officer's determination of fair and reasonable price. Objectives shall be established before negotiation of any pricing action. FAR 15.406-1
- B. Appraisal - Required when adequate competition or market price data does not exist.
- C. Estimates
 - Tenant Improvement Cost - A government estimate is not required if three or more offers are received to compare build-out costs.
 - Overtime Rates - Should be compared between the offers in the same geographic area. If offers have a large variance, the offeror's rates should be questioned and justified by the offeror.
- D. Competitive Range Determination/Notification - FAR 15.404 and FAR 15.503(a)
- E. Request for FPS Pre-Lease Security Survey is optional and should be requested if the Contracting Officer determines it is needed.
- F. Request for Contractor Support services relating to lease acquisition and post award should be coordinated with the appropriate regional GSA personnel. This can include, but is not limited to, all vendors in relation to agency moves of furniture, telecommunications (phones, computers) as well as space planning services.
- G. Other:

STANDARD LEASE FILE INDEX GUIDANCE

- V. Unsuccessful Offer(s)
- A. Initial Offer and related correspondence - Includes all written documentation as well as phone records of telephone conversations with each offeror. Initial offers should be reviewed to ensure offeror submitted all required information. Review GSA-3517 and GSA-3518 to ensure all information has been provided and all Representations and Certifications are checked.
 - B. Abstract of Offers - Spreadsheet showing all offer price components from the GSA Form 1364 and related documents.
 - C. Fire/safety Request & Report, or Certificate of Occupancy for each building offered – reference http://insite.gsa.gov/_pbs/px/files/s&emal96.pdf.
 - D. Scaling of Offered Space - Each floor plan should be measured to determine if each offeror meets the minimum usable square footage of the SFO.
 - E. Present Value Price Evaluation
 - F. Pre-Award Notice & Rejection Letters - FAR 15.503(a)
 - G. Pre-Award Debriefing - FAR 15.505
 - H. Request for Best & Final offers - Must have specific submittal instructions to each offeror including the due date.
 - I. Offers Received after Best & Final - Follow the procedures in FAR 15.208.
 - J. Post Award Notice & Rejection Letters - Must be sent to each unsuccessful evaluated offer. FAR 15.503(b)
 - K. Post Award Debriefings/Protests & Resolution/Congressional & Responses - GSAM 515.5, and 533.1, also FAR 15.506.
 - L. Other:
- VI. Successful Offeror & Award Determination
- A. Initial Offers and Related Correspondence (same as in Tab 5-A)
 - B. Abstract of Offers (same as in Tab 5-B)
 - C. Fire/safety Request and Report or Certificate of Occupancy
 - D. Negotiation of Environmental Remediation – Required if result of site assessment indicates environmental deficiencies.
 - E. Scaling of Offered Space (same as in Tab 5-D)
 - F. Request for Best & Final Offer (same as in Tab 5-E)
 - G. Present Value Price Evaluation
 - H. Price Negotiation Documentation - GSAM 570.307 and FAR 15.306 and 15.307. See also PER-95-01.
 - I. Award Factor Evaluation Report
 - J. Source Selection Evaluation Report (Initial and Final) - GSAM 515.3
 - K. Conflict of Interest Acknowledgment and Nondisclosure Agreement - GSAM 515.305 - Required for each Government and nongovernment individual serving as an evaluator on a Source Selection Board.
 - L. Source Selection Authority Decision Document
 - M. Revised Scoring Evaluation with the negotiated rates
 - N. Agency Letter of Acceptance of lease to be awarded and/or revised and signed O/A
 - O. Small Business Subcontracting Plan - Required if aggregate rent is over \$500K & lessor is large business. FAR 19.702
 - P. Affirmative Action Plan - GSAM 522.8 (optional and should be requested if the Contracting Officer determines it is needed)
 - Q. Seismic Certification - <10,000 sf required in high risk zones, >10,000 sf required for all leases.
 - R. Flood Plain Compliance - Executive Order 11988 and GSA ADM 1095.2 "Consideration of flood plains and wetlands in decision making."

STANDARD LEASE FILE INDEX GUIDANCE

- S. Responsibility Check: Debarred Bidders List Check - <http://epls.arnet.gov>, Past Performance checked through references
Financial Responsibility - GSAM 570.108
- T. EEO Compliance Review - Required if aggregate rent is over \$10 million.
- U. Randolph Sheppard Act Information - USC: Title 20, Section 107a
- V. Other:

VII. Contract

- A. Award Letter - FAR 15.501 and 15.503(b), also GSAM 570.308.
- B. Legal Review & Comment is optional, and the CO will determine the need for the review.
- C. Fully Executed Lease
- D. Supplemental Lease Agreements - FAR 4.803
- E. Other:

VII (B) TI SFO Documents

Due to most of the Tenant Improvement SFO documents and negotiations occurring after lease award, a separate sub-tab for these documents has been created. Layout drawings should be filed in this tab if a TI SFO is being used. At a minimum, the tab should include:

- A. TI Cost Breakdown
- B. GSA Review of TI Cost
- C. Evidence of Competitive Bidding Process or Cost or Pricing Data for TI Costs
- D. Layout drawings
- E. Other

VIII. Approval Documents

- A. Pre-validation of Budget Activity 53 Funding - Must get budget approval before lease is awarded.
- B. Final Occupancy Agreement - Must show all negotiated rates and include general clauses as well as any ad hoc clauses, and be signed by the agency unless approved by Regional Portfolio to proceed without a signed OA.
- C. Legal Concurrence - If required (will differ from region to region).
- D. Drawings/Layouts from Agency (will be filed under Tab VIII if the SFO is not a TI SFO where documents and negotiations occur after award and filed in Sub Tab VII (B))
- E. Fire/safety Approval of Layout Drawings - Any changes to layout from fire/safety review must be re-submitted to the agency for concurrence.
- F. Layouts to Lessor - Layouts with agency approval signature and fire/safety approval signature.
- G. Finish Schedule to Lessor - With interior finishes selected by the agency.
- H. Other:

IX. Pre-Occupancy

- A. Post Award Synopsis posted in FEDBIZOPS
- B. Copy of Letter Transmitting Lease to Field Office
- C. Copy of Letter Transmitting Lease to agency
- D. Notification of Lease Location to FPS
- E. Request to GSA PMC for Utility Contract - When separately metered.
- F. COR Letters to Lessor - GSAM 542.2
- G. COR Letters to Designated Agency Representative - GSAM 542.2
- H. Construction Inspection Reports/Meeting Minutes
- I. Davis-Bacon Interview Forms & Wage payment - GSAM 522.406
- J. Acceptance of Space/Condition survey - GSAM 570.111

STANDARD LEASE FILE INDEX GUIDANCE

Measurement of Space
Correction of Deficiencies
Credits/Debits
Punch List Resolution

- K. Change Orders Related to Initial Occupancy - Major change orders for lease alterations should be kept in a separate lease file folder.
- L. CAD as-builts to CIFM
- M. Other:

X. Administration

- A. EFT Enrollment - GSAM 552.232-76
- B. Operating Cost Escalations - Adjusted in accordance with the contract language.
- C. Tax Escalations/Appeals - Processed in accordance with the contract language.
- D. Change of Ownership - GSAM 542.12
- E. DUNS Number
- F. Lease Digest (R620)
- G. RWA's
- H. Miscellaneous Correspondence
- I. Appeal/claim/disputes - GSAM 533.2
 - Correspondence
 - Contracting Officer's Decision
 - Resolution
 - Unresolved Claim
 - GSBCA or Claims Court Decision
 - Payment
- J. Other