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RSL-2008-05

MEMORANDUM FOR ASSISTANT REGIONAL ADMINISTRATORS, PBS  
REGIONAL REALTY SERVICES OFFICERS

FROM: SAMUEL J. MORRIS, III  
ASSISTANT COMMISSIONER FOR OFFICE OF  
REAL ESTATE ACQUISITION - PQC

SUBJECT: Price Preference for Historic Properties in Lease  
Acquisitions

1. Purpose. This Realty Services Letter (RSL) issues procedures for giving price preference to space in historic properties.
2. Background.
  - a. Executive Order (EO) 13006, Locating Federal Facilities on Historic Properties in Our Nation's Central Cities, of May 21, 1996, reaffirmed the commitments established in the National Historic Preservation Act of 1966 (16 U.S.C. § 470 et seq.) to provide leadership in the preservation of historic resources; in the Public Buildings Cooperative Use Act of 1976 (40 U.S.C. § 3306) to acquire and utilize space in suitable buildings of historic, architectural, or cultural significance; and in EO 12072, Federal Space Management, of August 16, 1978, to strengthen our nation's cities by encouraging the location of Federal facilities in our central cities. EO 13006 is attached.
  - b. EO 13006 requires the Federal Government to "utilize and maintain, wherever operationally appropriate and economically prudent, historic properties and districts, especially those located in our central business areas."
  - c. Each Federal agency is responsible for identifying its geographic service area and the delineated area for each procurement in accordance with the requirements of the Rural Development Act of 1972, as amended (42 U.S.C. § 3122) and EO 12072. When agency mission and program requirements call for location in an urban area, agencies must comply with EO 12072 and give first consideration to central business areas (CBAs). GSA location policies are found in the Federal Management Regulation (FMR) at 41 CFR 102-83, Location of Space.
  - d. Within the mission justified delineated area, EO 13006 provides for a tiered preference process. Preference for historic properties is given first to suitable historic properties within historic districts, then to suitable non-historic developed or undeveloped sites within historic districts, and, finally, to suitable historic properties outside of historic districts.

- e. 41 CFR 102-78.60, 102-73.120, and 102-73.125 of the FMR implement EO 13006 and require Federal agencies to give a price preference to space in historic properties when acquiring leased space using either the lowest price technically acceptable or the best value tradeoff source selection process.
  - f. General Services Acquisition Regulation (GSAR) clause 552.270-2, Historic Preference (SEPT 2004), revised the historic preference contract clause to reflect the tiered preference hierarchy of consideration. Before the revision, suitable historic properties were treated equally and received a 10 percent preference. The new clause is incorporated into the revised Solicitation for Offers issued under RSL-2008-04. The clause is attached.
3. Effective Date/Expiration Date. This RSL is effective 60 days after the date of issuance and will expire five (5) years after the date of issuance unless modified, canceled, or reissued.
  4. Cancellation. None.
  5. Applicability. This RSL applies to all real property leasing activities.
  6. Instructions/Procedures. Instructions are provided in Attachment 1, Procedures for Giving Price Preference to Historic Properties in Lease Acquisitions.

Attachments:

- a. Attachment 1 - Procedures for Giving Price Preference to Historic Properties in Lease Acquisitions
- b. Attachment 2 - Locating Federal Facilities on Historic Properties in Our Nation's Central Cities
- c. Attachment 3 - GSAR 552.270-2, Historic Preference (SEPT 2004)