



June 7, 2016

MEMORANDUM FOR: REGIONAL COMMISSIONERS, PBS
REGIONAL LEASING DIRECTORS
REGIONAL LEASING ACQUISITION OFFICERS

6/7/2016

 James C. Wisner

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Signed by: JAMES WISNER

FROM: JAMES C. WISNER
Assistant Commissioner for Office of Leasing - PR

SUBJECT: LEASING ALERT - Revisions to General Clauses (GSA Forms 3517A, 3517B, and 3517D) and Simplified Lease Form (L201A)

- 1. Purpose.** This Leasing Alert issues revised General Clauses (GSA Forms 3517A, 3517B, and 3517D) and Simplified Lease Form (L201A). These documents are being revised to reflect updated language contained under the Federal Acquisition Regulation (FAR) and incorporate certain clauses by reference. In addition, this Leasing Alert provides instructions for administering requests for assignment on existing lease contracts which may contain an incorrect version of the Assignment of Claims general clause.
- 2. Effective Date.** This Leasing Alert and attachments are effective immediately for all RLP packages issued on or after the signature date. Further, all RLP packages issued prior to this date must be amended to include the updated General Clauses, except where final proposal revisions have been received.
- 3. Applicability.** This Leasing Alert and its attachments are mandatory and apply to all General Services Administration (GSA) real property leasing activities and to activities delegated by GSA to other Federal agencies.
- 4. Cancellation.** The following are canceled:
 - a. General Clauses (Acquisition of Leasehold Interests in Real Property for Small Leases), GSA Form 3517A (09/15).



- b. General Clauses (Acquisition of Leasehold Interests in Real Property), GSA Form 3517B (REV 04/15).
- c. General Clauses (Acquisition of Leasehold Interests in Real Property – Emergency or Disaster Leases), GSA Form 3517D (04/15).
- d. Simplified Lease template, GSA Form L201A (03/16).

5. Instructions and Procedures. Instructions and procedures are found in Attachment 1, Leasing Alert Summary.

Attachment 1, Leasing Alert Summary

Attachment 2, General Clauses, GSA Form 3517A (REV 06/16)

Attachment 3, General Clauses, GSA Form 3517B (REV 06/16)

Attachment 4, General Clauses, GSA Form 3517D (REV 06/16)

Attachment 5, Simplified Lease Form, GSA Form L201A (06/16)

Attachment 6, Sample Lease Amendment template to replace GSAM version of Assignment of Claims general clause with FAR version

Leasing Alert Summary

This Leasing Alert issues a revised Simplified Lease template (L201A) and General Clauses (GSA Forms 3517A, 3517B, and 3517D). These documents are being revised to reflect updated language contained under the FAR and incorporate certain clauses by reference.

Instructions and Procedures:

1. Instructions regarding the Assignment of Claims general clause

A version of the Assignment of Claims general clause used in the General Clauses, 52.223-23 (SEP 1999) is not the correct version of the clause for use in Lease packages and must be replaced with the FAR version 52.223-23 in the following manner. In addition to amending all RLP packages in accordance with this Leasing Alert, except where final proposal revisions have been received, upon receipt of a request from a lessor to assign rental payments to a financial institution, LCOs must check the lease to confirm whether or not the lease contains the correct version of the Assignment of Claims general clause (52.232-23), or a version of 52.223-23 dated prior to SEP 1999. If the lease contains the GSAM version dated SEP 1999, LCOs must replace the GSAM version of the general clause with the FAR version (52.232-23) by Lease Amendment and administer the request for assignment in accordance with the correct clause. A sample Lease Amendment template for this replacement is provided in attachment 6.

2. Simplified Lease Model

Leasing Specialists shall use the latest version of the Simplified Lease Form, GSA Form L201A, when issuing RLP packages under the Simplified Lease Model. The Simplified Lease includes or incorporates by reference all applicable General Clause language.

The 06/16 version of the Simplified Lease document reflects changes as follows:

- a. FAR 52.204-10 REPORTING EXECUTIVE COMPENSATION AND FIRST-TIER SUBCONTRACT AWARDS (OCT 2015): FAR clause updated; changed date in heading and updated threshold.
- b. FAR 52.209-6 PROTECTING THE GOVERNMENT'S INTEREST WHEN SUBCONTRACTING WITH CONTRACTORS DEBARRED, SUSPENDED, OR PROPOSED FOR DEBARMENT (OCT 2015): FAR clause updated; changed date in heading and updated threshold.
- c. 52-215-10 PRICE REDUCTION FOR DEFECTIVE COST OR PRICING DATA (AUG 2011): Updated threshold.
- d. 52.215-12 SUBCONTRACTOR CERTIFIED COST OR PRICING DATA (OCT 2010): Updated threshold.

- e. 52.219-9 SMALL BUSINESS SUBCONTRACTING PLAN (OCT 2015)
ALTERNATE III (OCT 2015): FAR clause updated; changed date in heading
and updated threshold.
- f. FAR 52.219-16 LIQUIDATED DAMAGES—SUBCONTRACTING PLAN
(JAN 1999): Updated threshold.
- g. FAR 219-28 POSTAWARD SMALL BUSINESS PROGRAM
REREPRESENTATION (JUL 2013): Updated threshold.
- h. 52.222-21 PROHIBITION OF SEGREGATED FACILITIES (APR 2015): FAR
clause updated; changed date in heading.
- i. FAR 52.222.26 EQUAL OPPORTUNITY (APR 2015): FAR clause updated;
changed date in heading.
- j. 52.222-35 EQUAL OPPORTUNITY FOR VETERANS (OCT 2015): FAR
clause updated; changed date in heading and updated threshold.
- k. 52.222-36 EQUAL OPPORTUNITY FOR WORKERS WITH DISABILITIES
(JUL 2014): Corrected heading; clarified threshold.
- l. 52.222-37 EMPLOYMENT REPORTS ON VETERANS (FEB 2016): FAR
clause updated; changed date in heading and updated threshold.
- m. 52.223-6 DRUG FREE WORKPLACE (MAY 2001): clarified threshold.
- n. 52.232-23 ASSIGNMENT OF CLAIMS (MAY 2014): Replaced GSAM
version of 552.232-23 with FAR version of 52.232-23 and updated threshold.
- o. FAR 52.233-1 DISPUTES (MAY 2014): FAR clause updated and changed
date in heading.
- p. GSAR 552.219-73 GOALS FOR SUBCONTRACTING PLAN (JUN 2005)
Alternate I (SEP 1999): Clause added.
- q. GSAR 552.270 20 PAYMENT (MAY 2011): Clause added.
- r. GSAR 552.270 25 SUBSTITUTION OF TENANT AGENCY (SEP 1999):
Clause added.

3. General Clauses GSA Form 3517A

Leasing Specialists shall use the latest version of General Clauses GSA Form 3517A when assembling RLPs using the Small Lease templates (3626). The 3517A includes or incorporates by reference all applicable General Clause language.

The 06/16 version of the GSA Form 3517A reflects changes as follows:

- a. Heading changed to read as "GENERAL CLAUSES (Acquisition of Leasehold Interests in Real Property for Small Leases).
- b. FAR 52.204-10 REPORTING EXECUTIVE COMPENSATION AND FIRST-TIER SUBCONTRACT AWARDS (OCT 2015): FAR clause added.
- c. FAR 52.209-6 PROTECTING THE GOVERNMENT'S INTEREST WHEN SUBCONTRACTING WITH CONTRACTORS DEBARRED, SUSPENDED, OR PROPOSED FOR DEBARMENT (OCT 2015): FAR clause updated; changed date in heading and updated threshold.
- d. FAR 52.215-10 PRICE REDUCTION FOR DEFECTIVE CERTIFIED COST OR PRICING DATA (AUG 2011): Updated threshold.
- e. FAR 52.219-9 SMALL BUSINESS SUBCONTRACTING PLAN (OCT 2015) ALTERNATE III (OCT 2015): FAR clause updated; changed date in heading and updated threshold.
- f. FAR 52.219-16 LIQUIDATED DAMAGES—SUBCONTRACTING PLAN (JAN 1999): Updated threshold.
- g. FAR 219-28 POSTAWARD SMALL BUSINESS PROGRAM REREPRESENTATION (JUL 2013): FAR clause added.
- h. FAR 52.222-21 PROHIBITION OF SEGREGATED FACILITIES (APR 2015): Removed threshold.
- i. FAR 52.222-26 EQUAL OPPORTUNITY (APR 2015): Removed threshold.
- j. FAR 52.222-35 EQUAL OPPORTUNITY FOR VETERANS (OCT 2015): FAR clause updated; changed date in heading and updated threshold.
- k. FAR 52.222-36 EQUAL OPPORTUNITY FOR EMPLOYEES WITH DISABILITIES (JUL 2014): Threshold clarified.
- l. FAR 52.222-37 EMPLOYMENT REPORTS ON VETERANS (FEB 2016): FAR clause updated; changed date in heading and updated threshold.
- m. 52.223-6 DRUG FREE WORKPLACE (MAY 2001): clarified threshold
- n. GSAR 552.215-70 EXAMINATION OF RECORDS BY GSA (FEB 1996): GSAR clause added.
- o. GSAR 552.219-73 GOALS FOR SUBCONTRACTING PLAN (JUN 2005) Alternate I (SEP 1999): Threshold clarified.

p. GSAR 552.270-20 PAYMENT: Corrected date in heading.

4. General Clauses GSA Forms 3517B and 3517D

Leasing Specialists shall use the latest version of the General Clauses GSA Form 3517B for all RLP packages except for Simplified, Small, and Disaster leases. (Use GSA Form 3517D for Disaster leases.) The 06/16 version of GSA Forms 3517B and 3517D reflect changes as follows:

- a. PAYMENT (MAY 2011): Deleted GSAR reference number.
- b. FIRE AND CASUALTY DAMAGE (JUN 2016): Revised to clarify consequences for destruction resulting from Lessor's willful or negligent act or omission.
- c. 52.203-7 ANTI-KICKBACK PROCEDURES (MAY 2014): Threshold revised to reference the Simplified Lease Acquisition Threshold; clause incorporated by reference.
- d. 52.203-13 CONTRACTOR CODE OF BUSINESS ETHICS AND CONDUCT (OCT 2015): FAR language and threshold updated; clause incorporated by reference.
- e. 52.203-14 DISPLAY OF HOTLINE POSTERS (OCT 2015): FAR language and threshold updated; inserted information in accordance with GSAR.
- f. 52.204-7 SYSTEM FOR AWARD MANAGEMENT (JUL 2013): Clause incorporated by reference.
- g. 52.204-10 REPORTING EXECUTIVE COMPENSATION AND FIRST-TIER SUBCONTRACT AWARDS (OCT 2015): FAR language and threshold updated; clause incorporated by reference.
- h. 52.204-13 SYSTEM FOR AWARD MANAGEMENT MAINTENANCE (JUL 2013): Clause incorporated by reference.
- i. 52.209-6 PROTECTING THE GOVERNMENT'S INTEREST WHEN SUBCONTRACTING WITH CONTRACTORS DEBARRED, SUSPENDED, OR PROPOSED FOR DEBARMENT (OCT 2015): FAR language and threshold updated; clause incorporated by reference.
- j. 52.215-2 AUDIT AND RECORDS – NEGOTIATION (OCT 2010): Threshold revised to reference the Simplified Lease Acquisition Threshold; clause incorporated by reference.
- k. 52-215-10 PRICE REDUCTION FOR DEFECTIVE COST OR PRICING DATA (AUG 2011): FAR threshold updated; clause incorporated by reference.

- l. 52.215-12 SUBCONTRACTOR CERTIFIED COST OR PRICING DATA (OCT 2010): FAR threshold updated; clause incorporated by reference.
- m. 52.219-8 UTILIZATION OF SMALL BUSINESS CONCERNS (OCT 2014): Threshold revised to reference the Simplified Lease Acquisition Threshold; clause incorporated by reference.
- n. 52.219-9 SMALL BUSINESS SUBCONTRACTING PLAN (OCT 2015) ALTERNATE III (OCT 2015): FAR language and threshold updated; clause incorporated by reference.
- o. 52.219-16 LIQUIDATED DAMAGES—SUBCONTRACTING PLAN (JAN 1999): FAR threshold updated; clause incorporated by reference.
- p. FAR 219-28 POSTAWARD SMALL BUSINESS PROGRAM REREPRESENTATION (JUL 2013): Threshold revised to reference the micro-purchase threshold; clause incorporated by reference.
- q. 52.222-21 PROHIBITION OF SEGREGATED FACILITIES (APR 2015): FAR language updated; clause incorporated by reference.
- r. 52.222-26 EQUAL OPPORTUNITY (APR 2015): FAR language updated; clause incorporated by reference.
- s. 52.222-35 EQUAL OPPORTUNITY FOR VETERANS (OCT 2015): FAR language and threshold updated.
- t. 52.222-36 EQUAL OPPORTUNITY FOR WORKERS WITH DISABILITIES (JUL 2014): Corrected heading; threshold clarified.
- u. 52.222-37 EMPLOYMENT REPORTS ON VETERANS (FEB 2016): FAR language and threshold updated; clause incorporated by reference.
- v. 52.223-6 DRUG-FREE WORKPLACE (MAY 2001): Threshold revised to reference the Simplified Lease Acquisition Threshold; clause incorporated by reference.
- w. 52.232-23 ASSIGNMENT OF CLAIMS (MAY 2014): Replaced GSAM version of 552.232-23 with FAR version of 52.232-23; threshold revised to reference micro-purchase threshold.
- x. 52.232-33 PAYMENT BY ELECTRONIC FUNDS TRANSFER – SYSTEM FOR AWARD MANAGEMENT (JUL 2013): Clause incorporated by reference.
- y. 52.232-34 PAYMENT BY ELECTRONIC FUNDS TRANSFER – OTHER THAN SYSTEM FOR AWARD MANAGEMENT (JUL 2013): Clause incorporated by reference (*clause applies to GSA Form 3517D only*).

- z. 52.233-1 DISPUTES (MAY 2014): Clause incorporated by reference.
- aa. 552.270-30 PAYMENT FOR ILLEGAL OR IMPROPER ACTIVITIES (JUN 2011): Threshold revised to reference the Simplified Lease Acquisition Threshold.
- bb. 552.270-32 COVENANT AGAINST CONTINGENT FEES (JUN 2011): Threshold revised to reference the Simplified Lease Acquisition Threshold.

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