



GSA Public Buildings Service

September 28, 2020

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

FROM: JOHN D. THOMAS
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LEASING - PR

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SUBJECT: LEASING ALERT (LA-20-12) – Revisions to Leasing Forms
and Templates

1. **Purpose.** This Leasing Alert issues revisions to GSA PBS leasing forms and templates as follows:

A. RLP and Lease Templates

- Global Model - R100 and L100 (RLP and Lease)
- On-Airport Model - L201D (Lease)
- Warehouse Model - R101WH and L201WH (RLP and Lease)
- Small Model - Form R103 (RLP) and Supplemental Lease Requirements
- FEMA –R103D (Oral RLP), Supplemental Office Lease Requirements, and Supplemental Land Lease Requirements

B. GSA Form 3626

The changes, which include language approved under previously issued Leasing Alerts, are summarized under Attachment 1.

The Automated Advanced Acquisition Program (AAP) RLP and Lease templates will be revised to conform as appropriate.

Simplified Lease Model Templates (R101A and L201A) have not been updated, as these are being cancelled and replaced by the SLAT Model Templates under a separate Leasing Alert.

2. **Background.**

The attached templates incorporate policy changes implemented since the prior release of these templates, in addition to suggestions received from regional and other PBS business line stakeholders.

3. **Effective Date.** This Leasing Alert and attachments are effective immediately for all RLPs issued on or after October 1, 2020.

4. **Cancellation.** Prior revisions of applicable RLP and Lease templates are canceled and replaced by versions containing the new language attached hereto. In addition, GSA Form 3626 (REV 3/2018) is cancelled.

5. **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.

6. **Instructions and Procedures.** This Leasing Alert, instructions, and attachments are effective for all RLPs issued on or after the effective date of this Leasing Alert. RLP packages issued prior to this date may be modified at the discretion of the LCO.

- Attachment 1, Summary of Significant Changes
- Attachment 2, Global RLP, GSA Template R100
- Attachment 3, Global Lease, GSA Template L100
- Attachment 4, On-Airport Lease, GSA Template L201D
- Attachment 5, Warehouse RLP, GSA Template R101WH
- Attachment 6, Warehouse Lease, GSA Template L201WH
- Attachment 7, Small RLP, GSA Template R103
- Attachment 8, Small Supplemental Lease Requirements Template
- Attachment 9, FEMA Oral RLP, GSA Template R103D
- Attachment 10; FEMA Office Supplemental Lease Requirements Template
- Attachment 11; FEMA Land Supplemental Lease Requirements Template
- Attachment 12, U.S. Government Lease for Real Property (Short Form), GSA Form 3626

ATTACHMENT 1

LEASING ALERT - SUMMARY OF SIGNIFICANT CHANGES

Overall Edits (note that changes may vary, according to model)

Request for Lease Proposals (RLP) templates

- Removed references to these documents as “forms” and instead refer to these as “templates” (e.g., “GSA Template R100” instead of “GSA Form R100”).
- Edited hidden “blue” instructional text throughout for clarity.
- Revised paragraph listing RLP documents as follows:
 - Revised reference to Section 889 telecommunications prohibition for clarity.
 - Added Broker Commission Agreement as a potential attachment.
 - Added Routine Cleaning and Disinfection Rate submittal as an attachment (per LA-20-10).
 - Added a sub-paragraph related to issuing sensitive RLP attachments separately instead of relying on locking mechanism in beta.SAM.
- Broker Commission and Commission Credit: language divided into sub-paragraphs/switched around, for clarity.
- North American Industry Classification System (NAICS) Code and Small Business Size Standard: Revised business size standard to conform to Small Business Runway Extension Act.
- Revised DUNS number paragraph to incorporate FAR terminology (Unique Entity Identifier), in anticipation of pending switchover from DUNS to SAM.
- National Historic Preservation Act Requirements – RLP: Updated link
- Receipt of Lease Proposals:
 - Revised blue and regular text to clarify distinction between traditional and Lease Offer Platform (LOP) methods of accepting offers.
 - Minor editorial re-wording for clarity.
- Pricing Terms: Added subparagraph about additional rent component associated with Routine Cleaning and Disinfecting Requirements (per LA-20-10)
- Additional Submittals:
 - Added blue text suggestion to consider additional technical submittal requirements if there is a potential for new construction.
 - Revised language clarifying evidence of funding submittal to cover all buildout.
 - Revised language clarifying zoning requirements when current zoning is not in compliance and offeror instead submits a plan and schedule to obtain the proper zoning prior to construction. Also added hidden “blue” text instructing LCO to include such plan/schedule as part of the lease and address evidence of compliance as a post-award technical deliverable.
 - Addressed Fire protection and Life Safety submittal requirements in the event of an offer for new construction.
 - Updated floor plan submittal requirements.
 - Added “if applicable” to National Historic Preservation Act submittal requirement.

- Reworded FAR 52.204-24 submittal requirement.
- Tenant Improvements Included in Offer: In response to concerns expressed at GSA-sponsored Industry Day sessions, added sub-paragraph to alert Offerors when tenant improvements are expected to exceed an agency's authorized TI Allowance.

Lease templates (note that changes may vary according to model)

- Removed references to these documents as “forms” and instead refer to these as “templates” (e.g., “GSA Template L100” instead of “GSA Form L100”).
- Edited hidden “blue” instructional text throughout for clarity.
- Signature Page:
 - Added Building Number Entry.
 - Assigned paragraph letters (A, B, C) within the page identifying the following: lessor, building and lease term information.
 - Added blue text to address the rare scenario of a lease award contingent upon lessor's purchase of property.
- Rent and Other Considerations:
 - Revised rental table to add Routine Cleaning and Disinfecting Services cost component and to clarify that it did not reflect application of free rent.
 - Minor edits to free rent sub-paragraph (blue and regular text), to allow for possibility that not all rental components are subject to free rent.
 - Minor edits to the rent proration sub-paragraph, for clarity.
 - Revised sub-paragraph addressing scenario where the LCO chooses to commence the succeeding lease prior to Lessor completion of tenant improvements/BSAC and withholds payment for the incomplete TI/BSAC work until the work is complete. Language now allows the Government to choose how to commence TI/BSAC rent. Government may either issue a catch up TI/BSAC payment for the period starting from the lease commencement date, or re-amortize the cost of the improvements over the remaining firm term.
 - Added sub-paragraph identifying rate for Routine Cleaning and Disinfection Service, which may be unilaterally cancelled by the Government and rent reduced accordingly.
- Documents Incorporated in the Lease:
 - Added blue text clarifying that Broker Commission Agreement is not to be included in the lease contract.
 - Removed FAR 52.204-24 representation.
- Added blue text language to Tenant Improvements Rental Adjustment to advise users that language defaults to a firm term amortization period and to include an instruction that attached requirements must be ASRs for turnkey pricing.
- Made minor editorial revision to Tenant Improvement Fee Schedule.
- Added blue text language to Building Specific Amortized Capital and Building Specific Amortized Capital Rental Adjustment paragraphs to advise users that language defaults to a firm term amortization period.

- Revised DUNS number paragraph to incorporate FAR terminology (Unique Entity Identifier), in anticipation of pending switchover from DUNS to SAM.
- Alterations Requested by the Government: Removed blue text based on FAR change in SAT threshold to \$250,000.
- Revised Change of Ownership paragraph:
 - Added Novation to title, for clarity.
 - Removed any references to applicability to when “the Lease is assigned” by Lessor.
 - Removed reference to sample form at FAR 42.1205.
 - Clarified when rent payment to Transferee will commence.
 - Added language requiring original Lessor to maintain an active SAM registration until completion of Novation process.
- Additional Post-Award Financial and Technical Deliverables: Added blue text advising user to include zoning approval and/or purchase agreement when awarding a lease subject to rezoning or Lessor purchase of the property.
- Various technical edits based on suggestions from regions, national SMEs or other stakeholders:
 - Vestibules: Clarified that vestibules apply to entrances wherever entry to the Space is directly from the outside.
 - Elevators: Revised to refer to conformance of requirements that were in effect based on the elevator installation date code year.
 - Windows: Revised language regarding weather resistance, security and egress provisions, for clarity.
 - Restrooms:
 - Revised language regarding number of fixtures to clarify when buildings are required to follow fixture schedule (i.e., new construction/renovations involving new construction of a restroom) vs. relying on local code.
 - Revised to clarify that all other requirements (e.g., ABAAS, 200 foot minimum travel distance, hot/cold water, etc.) apply, irrespective of the fixture schedule.
 - Multiple ASHRAE references: Revised language to require Lessor to use the ASHRAE version corresponding to how a building system was designed to perform (minimum 2004 version of the standard).
 - Lighting: Revised to include provision for Video Surveillance System (VSS) coverage.
 - Partitions: Subdividing: Revised to apply environmentally preferable criteria to actions 10,000 RSF or greater *where the Government is the sole tenant of a building*.
 - Revised paragraphs Data Distribution and Electrical, Telephone, Data for Systems Furniture to default to lessor-provided data cable.
 - Mold: Revised the description of qualifications needed to evaluate and inspect mold.
- Schedule for Completion of Space:
 - Added blue text to encourage realistic construction schedule.
 - Modified blue text for level II DIDs to clarify how pricing is to be obtained.

- Added blue text to suggest technical consultation for projects involving new construction or highly complex buildout to confirm whether phased delivery of CDs is more appropriate.
- Added language to clarify that level I DIDs are part of shell rent when lessor is providing DIDs.
- Removed reference to shell rent when the Government is providing level I DIDs.
- Added language allowing for virtually-held DID sessions, at Government's discretion.
- Tenant Improvement Price Proposal:
 - Added language to clarify that all sheets of TICS table must be completed as appropriate.
 - Deleted the requirement for subcontractors' backup to follow TICS table format.
- Progress Reports: Added language allowing for virtually-held progress meetings, at Government's discretion.
- Lessor's Project Management Fee:
 - Renamed to Lessor's Project Management Responsibilities
 - Separated out the fee funding methodology, so that the Lessor always remains obligated to provide this service, regardless of whether the lease is TIA or turnkey priced.
- Overtime HVAC Usage: Revised threshold allowing for oral ordering of OT services, to reflect the increased micro-purchase threshold.
- Janitorial Services- Routine Cleaning and Disinfecting Requirements: Added Routine Cleaning and Disinfecting Requirements subparagraph to align with Leasing Alert LA-20-10.
- Snow Removal: Added examples to illustrate when additional snow removal measures are required.
- Schedule of Periodic Services: Revised to require Lessor to provide schedule of all periodic services upon acceptance of the Space instead of within 60 days after occupancy.
- Occupant Emergency Plan: Incorporated additional items required per current Interagency Security Committee (ISC) countermeasures.

The following are edits that are in addition to those noted above and are specific to a particular model:

On-Airport

- Signature Page: added language to allow user to establish the Lease Term Commencement Date for succeeding leases.
- Termination Rights: Revised blue text to replace reference to Standard Model with Global Model.

Warehouse

No additional edits other than as noted above.

Small Model

- Replaced references to “Simplified” within RLP and lease templates with “SMALL”, to reflect anticipated cancellation of Simplified Lease model.
 - All paragraphs that previously used Simplified model language are now referred to as “SMALL OCT 2020” versions.

FEMA Model

- Note that the requirement for obtaining FAR representation 52.204-24 has been added to section 4 of the Oral RLP, along with blue text.
- Revised FEMA Supplemental Lease Requirements (Land and Office) to update General Clause Substitutions (FEMA), to reflect the current General Clauses, which uses GSAR 552.270-33 (System for Award Management – Leasing) and not 52.204-7 (System for Award Management).
- Replaced references to “Simplified” within Oral RLP and lease templates with “SMALL”, to reflect anticipated cancellation of Simplified Lease model.
 - All paragraphs that previously used Simplified model language are now referred to as “SMALL OCT 2020” versions.

GSA Form 3626, U.S. Government Lease for Real Property (Short Form)

- Added entry for Building Number at the top of the form.
- Added the Routine Cleaning and Disinfecting Services rental component under Part C of the form.
- Renumbered entries as appropriate.

COVER PAGE FOR ATTACHMENTS 2 THROUGH 12