



GSA Public Buildings Service

July 15, 2021

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

FROM: JOHN D. THOMAS
ACTING ASSISTANT COMMISSIONER FOR OFFICE OF
LEASING - PR

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John D. Thomas

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SUBJECT: LEASING ALERT (LA-21-09) – Rescinding Routine
Disinfecting Requirements (Replaces LA-20-10)

1. Purpose. This Leasing Alert replaces Leasing Alert LA-20-10, issued July 29, 2020, as amended on January 13, 2021. LA-20-10 replaced and cancelled LA-20-06, which changed the janitorial specifications contained in GSA lease templates to include language addressing routine disinfection procedures in leased space. This replacement Leasing Alert rescinds the requirement to obtain these routine disinfecting services and also provides guidance with respect to lease actions either underway or awarded.

2. Background.

- a. On April 30, 2020, the Office of Leasing (OL) issued Leasing Alert LA-20-06 to augment our janitorial requirements outlined in the Lease template to include a permanent generic disinfection standard that was to be applied “routinely.”
- b. Subsequent to issuing LA-20-06, OL issued Leasing Alert LA-20-10, which cancelled LA-20-06 and revised the wording of the disinfecting requirements and established this as a separate rental component which could be cancelled for a corresponding rental decrease.
- c. In response to updated guidance issued by the Centers for Disease Control and Prevention (CDC), GSA PBS issued a Decision Paper recommending that PBS remove the requirement to perform daily disinfectant wiping of all frequently touched, solid surfaces, effective October 1, 2021. As a result, the Office of Leasing is issuing this Leasing Alert to implement this change for both pending and awarded lease actions.

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1800 F Street, NW
Washington, DC 20405-0002
www.gsa.gov

- d. This Leasing Alert does not apply to existing leases that were modified, either unilaterally or bilaterally, to include routine cleaning and disinfecting services funded by the Coronavirus Aid, Relief, and Economic Security Act (CARES) Act. The CARES Act routine cleaning and disinfecting services added to existing leases is temporary and will expire on its own accord on September 30, 2021.

3. Effective Date. This Leasing Alert and its attachments are effective on the date of issuance unless modified, cancelled, or reissued.

4. 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.

5. Cancellation. Leasing Alert LA-20-10.

6. Instructions and Procedures.

a. For unawarded lease procurements:

- i. For all RLPs issued on or after the effective date of this Leasing Alert, LCOs or their designees shall incorporate the RLP and Lease language from Attachment 1 into their RLP packages, as appropriate for their lease model.
- ii. For lease procurements where the RLP has been issued and final proposal revisions (FPR) have not been received, the LCO or his/her designee shall issue an RLP amendment reflecting the edits under Attachment 1. As outlined under LDG Chapter 2, the amendment must bear receipt acknowledgment by the recipient.
- iii. For lease procurements where the RLP has been issued and the date for FPR has passed, LCOs should reopen offers for a limited time period (approximately 3 – 5 days) in order to issue an RLP amendment. If the LCO believes that reopening would jeopardize the procurement, the LCO may wait until after lease award to cancel the routine disinfecting standards, although this approach carries risk in case of failure to follow through with cancelation.
- iv. For Automated Advanced Acquisition Platform (AAP) procurements, the Office of Leasing will issue RLP amendment that will cover the August and September 2021 open periods.
- v. For procurements supported by Broker Contractors, the instructions under 6.a.i - iii apply. In addition, Brokers should amend existing Broker Commission Agreements to remove commission earned on Routine Cleaning and Disinfecting Requirements. The Occupancy

Agreement (OA) should also be modified to reflect the updated commission credit owed to the client agency.

- vi. RLP and Lease templates will be updated as appropriate for conformance as part of the annual updates scheduled for October 2021.
- b. For awarded leases containing the cancelable/severable “Routine Cleaning and Disinfecting Services” specification:
- i. Prior to issuing the notification outlined under 6.b.iii below, LCOs or their designees must update the existing REXUS project (or, for effective leases obtain a new REXUS project) to reflect the rental reduction and obtain a revised BA53 funds certification.
 - ii. The Leasing Specialist or other responsible party shall draft a revised OA in the OA Tool to reflect the reduction. Note that agency signature on this OA is not required.
 - iii. LCOs shall issue the attached notification letter to the Lessor cancelling the routine cleaning and disinfecting services effective October 1, 2021, along with a unilateral Administrative Lease Amendment signed by the LCO. The Lease Amendment serves as an administrative record of the contract action for Rent Bill Management (RBM) and payment processes and does not require Lessor signature (see Attachments 2 and 3 for templates).
 - iv. For leases already effective, after issuance of the notification, LCOs or their designees shall initiate actions in REXUS to activate the rental reduction (issuance of an R620) and corresponding reduction in client billing (finalizing the OA). Once the OA is finalized, the Leasing Specialist or other responsible party shall forward a copy to the client agency for their records.
 - v. For awarded leases supported by Broker Contractors, follow the instructions outlined above. If the lease is not already effective, the Lease Amendment removing the cleaning requirement shall also adjust the Lease Paragraph “Broker Commission and Commission Credit” accordingly. If the lease has already commenced, then the Lease Amendment should not adjust either the commission or the commission credit.
- c. For awarded leases including permanent routine cleaning and disinfecting services that was not severable/cancelable (using language from LA-20-06), LCOs are encouraged, but are not required, to renegotiate these leases to remove these services in consideration for a rental decrease.

Attachment 1, Revised RLP and Lease Paragraphs:

- Pricing Terms (JUL 2021)
- Rent and Other Consideration (JUL 2021)
- Janitorial Services (JUL 2021)

Attachment 2, Notification to Lessor Rescinding Routine Cleaning and Disinfecting Requirements Template

Attachment 3, Administrative Lease Amendment Template Rescinding Routine Disinfecting Requirements

COVER PAGE FOR ATTACHMENTS 1 - 3