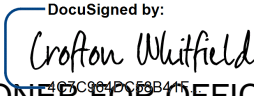




GSA Public Buildings Service

September 26, 2022

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

FROM: CROFTON WHITFIELD 
ASSISTANT COMMISSIONER FOR OFFICE OF LEASING
- PR

SUBJECT: LEASING ALERT (LA-22-07) - Revision to General Clauses
(GSA Forms 3517A and 3517B)

1. Purpose. This Leasing Alert issues revised General Clauses GSA Forms 3517A and 3517B (Attachments 1 and 2). These documents are being revised to reflect the following:

- Additional Cyber-Supply Chain Risk Management (C-SCRM) clauses, as outlined under Acquisition Letter MV-22-06, issued by GSA's Senior Procurement Executive (SPE), Office of Government-wide Policy (OGP), on September 16, 2022 (Attachment 3).
- Updated GSAR clauses, as outlined under Class Deviation CD-2021-11, issued by the SPE on September 16, 2022 (Attachment 4).
- Changes to the ANSI BOMA measurement standard to be adopted by the Office of Leasing as part of its OCT 2022 RLP and Lease templates edits.
- Other conforming updates to FAR and GSAR clauses.

2. Background.

- a. On September 16, 2022, the SPE issued Acquisition Letter MV-22-06 which includes a list of required C-SCRM clauses and provisions for leases. The Acquisition Letter requires the Office of Leasing to revise its templates to incorporate any missing C-SCRM clauses or provisions. These missing C-SCRM clauses are:

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- 52.204-2, Security Requirements
 - 52.204-9, Personal Identity Verification of Contractor Personnel
 - 52.204-21, Basic Safeguarding of Covered Contractor Information Systems
 - 52.204-23, Prohibition on Contracting for Hardware, Software, and Services Developed or Provided by Kaspersky Lab and Other Covered Entities
 - 552.204-9, Personal Identity Verification Requirements
- b. On September 16, 2022, the SPE issued Class Deviation CD-2021-11. The purpose of this class deviation is to formally issue deviated versions of leasing-specific GSAR clauses under GSAR Part 570.7 that were updated as part of the 2011-2012 GSA Lease Reform effort but were never officially codified via rulemaking. CD-2021-11 adopts most of the wording of the clauses issued under Lease Reform, with a few minor editorial changes. These edits are reflected in these General Clauses. (Note that CD-2021-11 reflects only a partial list of GSAR Part 570.7 clauses requiring rulemaking and that a follow-up class deviation of the rest of the clauses is expected to follow in FY23.)
- c. As part of its annual updates to RLP and lease templates, the Office of Leasing will include a change in GSA's measurement standard, from ANSI BOMA Office Area (Z65.1-1996) to ANSI BOMA Occupant Area (Z65.1-2017).
- d. To reflect these and other interim FAR/GSAR changes, the Office of Leasing made the following template changes:
- i. GSA Form 3517A, General Clauses (Acquisition of Leasehold Interests in Real Property for Leases at or Below the Simplified Lease Acquisition Threshold – SLAT):
 1. Revised the clause MAINTENANCE OF THE PROPERTY; RIGHT TO INSPECT (SIMPLIFIED) as follows:
 - a. Created a new paragraph "FIRE AND CASUALTY DAMAGE (SIMPLIFIED) (SEP 2022)" using the wording from the second sub-paragraph of the prior clause.
 - b. Removed the 3rd sub-paragraph of the prior clause, as this duplicated much of the maintenance language under the original 1st sub-paragraph 1.

2. Adopted GSAR clause 552.270-27 INTEGRATED AGREEMENT (SEP 2022) (DEVIATION), issued via CD-2021-11. Changes from the previous non-GSAR version are stylistic in nature.
3. Adopted GSAR clause 552.270-8 COMPLIANCE WITH APPLICABLE LAW (SEP 2022) (DEVIATION), issued via CD-2021-11. Added "tribal" to list of applicable laws. Otherwise, changes from the previous non-GSAR version are stylistic in nature.
4. Added FAR clause 52.204-21 BASIC SAFEGUARDING OF COVERED CONTRACTOR INFORMATION SYSTEMS (NOV 2021), per MV-22-06.
5. Updated FAR clause 52.204-25 PROHIBITION ON CONTRACTING FOR CERTAIN TELECOMMUNICATIONS AND VIDEO SURVEILLANCE SERVICES OR EQUIPMENT from AUG 2020 to NOV 2021.
6. Added FAR clause 52.204-2 SECURITY REQUIREMENTS (MAR 2021), per MV-22-06. This clause, which is incorporated by reference, only applies when the contract may require access to classified information.
7. Added FAR clause 52.204-9 PERSONAL IDENTITY VERIFICATION OF CONTRACTOR PERSONNEL (JAN 2011), per MV-22-06. This clause is incorporated by reference.
8. Added FAR clause 52.204-23 PROHIBITION ON CONTRACTING FOR HARDWARE, SOFTWARE, AND SERVICES DEVELOPED OR PROVIDED BY KASPERSKY LAB AND OTHER COVERED ENTITIES (NOV 2021), per MV-22-06. This clause is incorporated by reference.
9. Changed the date of FAR clause 52.209-6 PROTECTING THE GOVERNMENT'S INTEREST WHEN SUBCONTRACTING WITH CONTRACTORS DEBARRED, SUSPENDED, OR PROPOSED FOR DEBARMENT from JUN 2020 to NOV 2021.
10. Corrected the applicable threshold for FAR clause 52.215-10 PRICE REDUCTION FOR DEFECTIVE COST OR PRICING DATA (AUG 2011).
11. Changed the date of FAR clause 52.219-9 SMALL BUSINESS SUBCONTRACTING PLAN from SEP 2021 to NOV 2021.

12. Added GSAR clause 552.204-9 PERSONAL IDENTITY VERIFICATION REQUIREMENTS (JUL 2021), per MV-22-06. This clause is incorporated by reference.

ii. GSA Form 3517B, General Clauses (Acquisition of Leasehold Interests in Real Property):

1. Adopted GSAR clause 552.270-5 SUBLETTING AND ASSIGNMENT (SEP 2022) (DEVIATION), issued via CD-2021-11. Changes from the previous non-GSAR version are stylistic in nature.
2. Adopted GSAR clause 552.270-27 INTEGRATED AGREEMENT (SEP 2022) (DEVIATION), issued via CD-2021-11. Changes from the previous non-GSAR version are stylistic in nature.
3. Adopted GSAR clause 552.270-17 DELIVERY AND CONDITION (SEP 2022) (DEVIATION), issued via CD-2021-11. Changes from the previous non-GSAR version are stylistic in nature.
4. Adopted GSAR clause 552.270-6 MAINTENANCE OF THE PROPERTY, RIGHT TO INSPECT (SEP 2022) (DEVIATION), issued via CD-2021-11. Changes from the previous non-GSAR version are stylistic in nature.
5. Adopted GSAR clause 552.270-7 FIRE AND CASUALTY DAMAGE (SEP 2022) (DEVIATION), issued via CD-2021-11. Changes from the previous non-GSAR version are stylistic in nature.
6. Adopted GSAR clause 552.270-8 COMPLIANCE WITH APPLICABLE LAW (SEP 2022) (DEVIATION), issued via CD-2021-11. Added "tribal" to list of applicable laws. Otherwise, changes from the previous non-GSAR version are stylistic in nature.
7. Adopted GSAR clause 552.270-29 ACCEPTANCE OF SPACE AND CERTIFICATE OF OCCUPANCY (SEP 2022) (DEVIATION), issued via CD-2021-11. Changes from the previous non-GSAR version are stylistic in nature.
8. Revised PAYMENT clause to remove reference to "American National Standards Institute/Building Owners and Managers Association Office Area" while keeping the acronym "ABOA."

This will allow the clause to apply to either the former or updated measurement standard, depending upon which is used in the lease.

9. Changed the date of FAR clause 52.203-13 CONTRACTOR CODE OF BUSINESS ETHICS AND CONDUCT from JUN 2020 to NOV 2021, and updated the applicable threshold.
10. Corrected the applicable threshold for FAR clause 52.203-7 ANTI-KICKBACK PROCEDURES (JUN 2020).
11. Changed the date for FAR clause 52.203-14 DISPLAY OF HOTLINE POSTERS from JUN 2020 to NOV 2021. Updated the applicable threshold. Also, removed the text and incorporated the clause by reference instead.
12. Corrected the applicable threshold for FAR clause 52.215-10 PRICE REDUCTION FOR DEFECTIVE COST OR PRICING DATA (AUG 2011).
13. Adopted GSAR clause 552.270-14 CHANGES (SEP 2022) (DEVIATION), issued via CD-2021-11. Changes from the previous non-GSAR version are stylistic in nature.
14. Changed the date of FAR clause 52.209-6 PROTECTING THE GOVERNMENT'S INTEREST WHEN SUBCONTRACTING WITH CONTRACTORS DEBARRED, SUSPENDED, OR PROPOSED FOR DEBARMENT from JUN 2020 to NOV 2021.
15. Corrected the applicable threshold for FAR clause 52.215-12 SUBCONTRACTOR CERTIFIED COST OR PRICING DATA (JUN 2020)
16. Changed the date of FAR clause 52.219-9 SMALL BUSINESS SUBCONTRACTING PLAN from SEP 2021 to NOV 2021.
17. Added FAR clause 52.204-2 SECURITY REQUIREMENTS (MAR 2021), per MV-22-06. This clause, which is incorporated by reference, only applies when the contract may require access to classified information.
18. Added FAR clause 52.204-9 PERSONAL IDENTITY VERIFICATION OF CONTRACTOR PERSONNEL (JAN 2011), per MV-22-06. This clause is incorporated by reference.
19. Added GSAR clause 552.204-9 PERSONAL IDENTITY VERIFICATION REQUIREMENTS (Jul 2021), per MV-22-06. This clause is incorporated by reference.

20. Added FAR clause 52.204-21 BASIC SAFEGUARDING OF COVERED CONTRACTOR INFORMATION SYSTEMS (NOV 2021), per MV-22-06.

21. Added FAR clause 52.204-23 PROHIBITION ON CONTRACTING FOR HARDWARE, SOFTWARE, AND SERVICES DEVELOPED OR PROVIDED BY KASPERSKY LAB AND OTHER COVERED ENTITIES (NOV 2021), per MV-22-06. This clause is incorporated by reference.

22. Updated FAR clause 52.204-25 PROHIBITION ON CONTRACTING FOR CERTAIN TELECOMMUNICATIONS AND VIDEO SURVEILLANCE SERVICES OR EQUIPMENT from AUG 2020 to NOV 2021.

3. Effective Date. This Leasing Alert and attachments are effective for all RLP packages issued on or after October 1, 2022. For all RLP packages issued prior to this date, Lease Contracting Officers (LCOs) must do one of the following:

- a. If final proposal revisions have not been received, issue an amendment with the updated general clauses. All offerors must acknowledge receipt of the RLP amendment, by signing it and returning it, along with any attachments.
- b. If final proposal revisions have been received, it is not necessary to amend the RLP and reopen negotiations. **However, the final awarded lease contract must include all of the missing applicable C-SCRM clauses, as outlined under MV-22-06.** Prior to lease award, the LCO must transmit these to the apparent successful offeror. The apparent successful offeror must acknowledge receipt of the additional clauses by initialing and returning it. Incorporate these additional clauses into the lease contract prior to signature

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. The following are canceled:

- a. General Clauses (Acquisition of Leasehold Interests in Real Property for Small Leases), GSA Form 3517A - Preliminary Injunction Version REV (1/22)
- b. General Clauses (Acquisition of Leasehold Interests in Real Property), GSA Form 3517B – Preliminary Injunction Version REV (1/22)

6. Instructions and Procedures. See instructions under “Effective Date, above.”

Attachment 1, General Clauses, GSA Form 3517A – Preliminary Injunction Version
(REV (9/22)

Attachment 2, General Clauses, GSA Form 3517B – Preliminary Injunction Version
REX (9/22)

Attachment 3, Acquisition Letter MV-22-06, signed September 16, 2022

Attachment 4: Class Deviation CD-2021-11, signed September 16, 2022

COVER PAGE FOR ATTACHMENTS 1 - 4