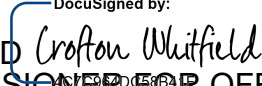




GSA Public Buildings Service

September 20, 2023

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-23-06) - Revision to Solicitation  
Provisions and General Clauses (GSA Templates 3516,  
3516A, 3517A and 3517B)

**1. Purpose.** This Leasing Alert issues revised Solicitation Provisions, GSA Templates 3516 and 3516A and General Clauses, GSA Templates 3517A and 3517B (Attachments 1 through 4). These documents are being revised to reflect the following:

- Removal of references to these documents as “forms” and instead refer to these as “templates” (e.g., “GSA Template 3516” instead of “GSA Form 3516”).
- Removal of reference to “Preliminary Injunction” in the footer of the General Clauses (GSA templates 3517 and 3517A) and removal of any reference to the “Intentionally Deleted” FAR Clause 52.223-99, Ensuring Adequate COVID-19 Safety Protocols for Federal Contractors.
- Updated GSAR clauses, as outlined under Class Deviations CD-2023-03 and CD-2023-04, issued by the Senior Procurement Executive (SPE) on August 2, 2023, and July 25, 2023, respectively (Attachments 5 and 6).
- Addition of new FAR clause 52.204-27 entitled Prohibition on a ByteDance Covered Application, issued through an interim rule under FAR Case 2023-010.
- Replacement of several “Simplified” clauses previously used in the 3517A with the GSAR versions of these clauses contained in the 3517B.
- Other conforming updates to FAR and GSAR clauses.

**2. Background.**

- a. On June 2, 2023, FAR Case 2023-010 issued FAR clause 52.204–27,

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Prohibition on a ByteDance Covered Application.

- b. On August 2, 2023, and July 25, 2023, the SPE issued Class Deviations CD-2023-03 and CD-2023-04, respectively. The purpose of these class deviations 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-2023-03 issued GSAR deviation clauses 552.270-4, Definitions, and 552.270-20, Payment. CD-2023-04 issued GSAR deviation clause 552.270-10 Default by Lessor. The attached General Clauses incorporate these three clause deviations.
- c. At the suggestion of the Office of Governmentwide Policy (OGP), the Office of Leasing decided to make the following edits:
  - i. Replace references to “form” (e.g., GSA Form 3516) with “template” (e.g., GSA template 3516)
  - ii. In the Solicitation Provisions, replace Parties to Execute Lease (APR 2015) with GSAR 552.270-3 Parties to Execute Lease (JUN 2011)
  - iii. Remove RLP paragraph entitled Inspection - Right of Entry (OCT 2021) and add GSAR clause 552.270-9 Inspection – Right of Entry (SEP 1999) to the General Clauses.
- d. The Office of Leasing also determined that there was no benefit to maintaining “Simplified” versions certain clauses previously used in the 3517A.
- e. To reflect these and other interim FAR/GSAR changes, the Office of Leasing made the following template changes:
  - i. GSA Template 3516, Solicitation Provisions (Acquisition of Leasehold Interests in Real Property)
    - 1. Removed references to this as “form” and instead refer to this as “template.”
    - 2. Adopted GSAR provision 552.270-37 PARTIES TO EXECUTE LEASE (JUN 2011). Change(s) from the previous non-GSAR version are stylistic in nature.
  - ii. GSA Template 3516A, Solicitation Provisions (For Simplified Acquisition of Leasehold Interests in Real Property)
    - 1. Removed references to this as “form” and instead refer to this as “template.”

2. Adopted GSAR provision 552.270-37 PARTIES TO EXECUTE LEASE (JUN 2011). Change(s) from the previous non-GSAR version are stylistic in nature.
- iii. GSA Template 3517A, General Clauses (Acquisition of Leasehold Interests in Real Property for Leases at or Below the Simplified Lease Acquisition Threshold – SLAT):
1. Removed references to this as “form” and instead refer to this as “template.”
  2. Added a Table of Contents.
  3. Removed reference to “Preliminary Injunction” in the footer and removed of any reference to the “Intentionally Deleted” FAR Clause 52.223-99 ENSURING ADEQUATE COVID-19 SAFETY PROTOCOLS FOR FEDERAL CONTRACTORS (OCT 2021) (DEVIATION).
  4. Added GSAR clause 552.270-4 DEFINITIONS (AUG 2023) (DEVIATION) issued via CD-2023-03.
  5. Adopted GSAR clause 552.270-6 MAINTENANCE OF THE PROPERTY, RIGHT TO INSPECT (SEP 2022) (DEVIATION), issued via CD-2021-11, in lieu of the non-GSAR Simplified version from SEP 2022.
  6. Adopted GSAR clause 552.270-7 FIRE AND CASUALTY DAMAGE (SEP 2022) (DEVIATION) issued via CD-2021-11, in lieu of the non-GSAR Simplified version from SEP 2022.
  7. Added GSAR clause 552.270-9 INSPECTION – RIGHT OF ENTRY (SEP 1999); the paragraph version of this clause will be removed from RLP templates that will be issued via separate Leasing Alert NLT September 30, 2023.
  8. Adopted GSAR clause 552.270-10 DEFAULT BY LESSOR (JUL 2023) (DEVIATION) issued via CD-2023-04. Changes from the non-GSAR version include:
    - a. Replaced the list of potential delay “excuse” scenarios in favor of using the defined term “excusable delays;” the definition of “excusable delays” will be added to Lease templates that will be issued via separate Leasing Alert NLT September 30, 2023.

- b. Added language listing the potential damage liabilities for lessor default, including, but not limited to, the Government's reprourement costs.
  9. Adopted GSAR clause 552.270-20 PAYMENT (AUG 2023) (DEVIATION) issued via CD-2023-03 in lieu of GSAR version from SEP 1999.
  10. Adopted GSAR clause 552.270-14 CHANGES (SEP 2022) (DEVIATION) in lieu of the non-GSAR Simplified version from SEP 2011).
  11. Moved FAR clause 52.204-25 PROHIBITION ON CONTRACTING FOR CERTAIN TELECOMMUNICATIONS AND VIDEO SURVEILLANCE SERVICES OR EQUIPMENT (NOV 2021) to the list of clauses incorporated by reference.
  12. Adopted FAR clause 52.252-2 CLAUSES INCORPORATED BY REFERENCE (FEB 1998) in lieu of (DEC 2003) (VARIATION).
  13. Added FAR clause 52.204-27 PROHIBITION ON A BYTEDANCE COVERED APPLICATION (JUN 2023) to the list of clauses incorporated by reference.
  14. Added FAR clause 52.219-4 NOTICE OF PRICE PREFERENCE FROM HUBZONE SMALL BUSINESS CONCERNS (OCT 2022) to the list of clauses incorporated by reference. This replaces the leasing-specific HUBZone price preference language, to be removed from RLP and lease templates that will be issued via separate Leasing Alert NLT September 30, 2023.
  15. Changed the date of FAR clause 52.219-9 SMALL BUSINESS SUBCONTRACTING PLAN from NOV 2021 to OCT 2022.
  16. Changed the date of FAR clause 52.219-28 POST-AWARD SMALL BUSINESS REREPRESENTATION from SEP 2021 to MAR 2023.
  17. Changed the date of GSAR clause 552.204-9 PERSONAL IDENTITY VERIFICATION REQUIREMENTS from JUL 2021 to APR 2023.
- iv. GSA Template 3517B, General Clauses (Acquisition of Leasehold Interests in Real Property):

1. Removed references to this as “form” and instead refer to this as “template.”
2. Removed reference to “Preliminary Injunction” in the footer and removed of any reference to the “Intentionally Deleted” FAR Clause 52.223-99 ENSURING ADEQUATE COVID-19 SAFETY PROTOCOLS FOR FEDERAL CONTRACTORS (OCT 2021) (DEVIATION).
3. Added GSAR clause 552.270-4 DEFINITIONS (AUG 2023) (DEVIATION).
4. Adopted GSAR clause 552.270-10 DEFAULT BY LESSOR (JUL 2023) (DEVIATION) issued via CD-2023-04. Changes from the non-GSAR version include:
  - a. Replaced the list of potential delay “excuse” scenarios in favor of using the defined term “excusable delays;” the definition of “excusable delays” will be added to Lease templates that will be issued via separate Leasing Alert NLT September 30, 2023.
  - b. Added language listing the potential damage liabilities for lessor default, including, but not limited to, the Government’s procurement costs.
5. Added GSAR clause 552.270-9 INSPECTION – RIGHT OF ENTRY (SEP 1999); the paragraph version of this clause will be removed from RLP templates that will be issued via separate Leasing Alert NLT September 30, 2023.
6. Adopted GSAR clause 552.270-20 PAYMENT (AUG 2023) (DEVIATION) issued via CD-2023-03, in lieu of the SEP 2022 version. The most significant change from the 2022 version is the addition of formula examples for calculating “Common Area Factor” and “Rentable Square Footage (RSF)”. Note that these formulas have been removed from the definitions for these two terms, per CD-2023-03.
7. Changed the date of FAR clause 52.219-28 POST-AWARD SMALL BUSINESS REREPRESENTATION from SEP 2021 to MAR 2023.
8. Added FAR clause 52.219-4 NOTICE OF PRICE PREFERENCE FROM HUBZONE SMALL BUSINESS CONCERNS (OCT 2022) to the list of clauses incorporated by reference. This replaces the leasing-specific HUBZone price preference language, to be removed from RLP and lease

templates that will be issued via separate Leasing Alert NLT September 30, 2023.

9. Changed the date of FAR clause 52.219-8 UTILIZATION OF SMALL BUSINESS CONCERNS from OCT 2018 to OCT 2022.
10. Changed the date of FAR clause 52.219-9 SMALL BUSINESS SUBCONTRACTING PLAN from NOV 2021 to OCT 2022.
11. Changed the date of GSAR clause 552.204-9 PERSONAL IDENTITY VERIFICATION REQUIREMENTS from JUL 2021 to APR 2023.
12. Removed text associated with FAR clause 52.204-25 PROHIBITION ON CONTRACTING FOR CERTAIN TELECOMMUNICATIONS AND VIDEO SURVEILLANCE SERVICES OR EQUIPMENT (NOV 2021) and instead incorporated clause by reference.
13. Added FAR clause 52.204-27 PROHIBITION ON A BYTEDANCE COVERED APPLICATION (JUN 2023).
14. Added FAR clause 52.252-2 CLAUSES INCORPORATED BY REFERENCE (FEB 1998).

**3. Effective Date.** This Leasing Alert and attachments are effective for all RLP packages issued on or the date of this Leasing Alert. 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 LCO must transmit the clauses listed below to the apparent successful offeror. The apparent successful offeror must acknowledge receipt of these additional clauses and the LCO must incorporate these clauses into the lease contract prior to signature.
  - i. GSAR clause 552.270-4 DEFINITIONS (AUG 2023)
  - ii. GSAR clause 552.270-10 DEFAULT BY LESSOR (JUL 2023)
  - iii. GSAR clause 552.270-20 PAYMENT (AUG 2023)

- 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. Solicitation Provisions (Acquisition of Leasehold Interests in Real Property), GSA Form 3516 (REV 07/21)
  - b. Solicitation Provisions (For Simplified Acquisition of Leasehold Interests in Real Property) GSA Form 3516A (REV 07/21)
  - c. General Clauses (Acquisition of Leasehold Interests in Real Property for Small Leases), GSA Form 3517A - Preliminary Injunction Version REV (9/22)
  - d. General Clauses (Acquisition of Leasehold Interests in Real Property), GSA Form 3517B – Preliminary Injunction Version REV (9/22)
- 6. Instructions and Procedures.** See instructions under “Effective Date, above.”

Attachment 1, Solicitation Provisions Solicitation Provisions (Acquisition of Leasehold Interests in Real Property), GSA Template 3516 (REV 10/23)  
Attachment 2, Solicitation Provisions (For Simplified Acquisition of Leasehold Interests in Real Property) GSA Template 3516A (REV 10/23)  
Attachment 3, General Clauses, GSA Template 3517A REV (10/23)  
Attachment 4, General Clauses, GSA Template REV (10/23)  
Attachment 5, Class Deviation CD-2023-03, signed August 2, 2023  
Attachment 6, Class Deviation CD-2023-04, signed July 25, 2023

**COVER PAGE FOR ATTACHMENTS 1 - 6**