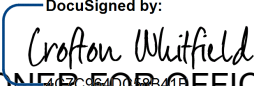




GSA Public Buildings Service

December 14, 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-23-07) - 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:

- Addition of new Federal Acquisition Regulation (FAR) provision 52.204-29 entitled Federal Acquisition Supply Chain Security Act Orders – Representation and Disclosures and new FAR clause 52.204-30 entitled Federal Acquisition Supply Chain Security Act Orders - Prohibition, both issued through FAR Case 2020-011.
- Other conforming updates to FAR and General Services Acquisition Regulation (GSAR) clauses.

2. Background.

- a. FAR Case 2020-011 issued an interim rule to implement section 202 of the Federal Acquisition Supply Chain Security Act of 2018 (Title II of the SECURE Technology Act, [Pub. L. 115-390](#), Dec. 21, 2018), and a final rule issued by the Federal Acquisition Security Council (FASC) (August 26, 2021, [86 FR 47581](#), effective September 27, 2021). The interim rule established processes for implementing Federal Acquisition Supply Chain Security Act (“FASCA”) removal and exclusion requirements for prohibited products and services. This rule established one new provision and two clauses, effective as of December 4, 2023.

On December 12, 2023, GSA’s Senior Procurement Executive (SPE) issued Acquisition Letter MV-2022-06 Supplement 1, Cyber-Security Chain Risk

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Management Requirements for Leasing, confirming the applicability of new FAR provision 52.204-29 and clause 52.204-30 to leasing. More information about the implementation for FASCSA and the leasing program can be found under [Acquisition Alert AA-2024-02](#) entitled Workforce Guidance on FAR Case 2020-011, Implementation of Federal Acquisition Supply Chain Security Act (FASCSA) Orders (Interim Rule), issued by GSA's SPE on November 14, 2023.

b. 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. Added FAR provision 52.204-29 FEDERAL ACQUISITION SUPPLY CHAIN SECURITY ACT ORDERS – REPRESENTATION AND DISCLOSURES (DEC 2023)
2. Removed FLOOD PLAINS (JUN 2012) as the Global, SLAT, Small and Warehouse Request for Lease Proposals already contain a more up to date version of this paragraph.

ii. GSA Template 3516A, Solicitation Provisions (For Simplified Acquisition of Leasehold Interests in Real Property)

1. Added FAR provision 52.204-29 FEDERAL ACQUISITION SUPPLY CHAIN SECURITY ACT ORDERS – REPRESENTATION AND DISCLOSURES (DEC 2023)
2. Removed FLOOD PLAINS (JUN 2012) as the Global, SLAT, Small and Warehouse Request for Lease Proposals already contain a more up to date version of this paragraph.

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. Added FAR clause 52.204-30 FEDERAL ACQUISITION SUPPLY CHAIN SECURITY ACT ORDERS – PROHIBITION (DEC 2023).
2. Changed the date of FAR clause 52.204-23 PROHIBITION ON CONTRACTING FOR HARDWARE, SOFTWARE, AND SERVICES DEVELOPED OR PROVIDED BY KASPERSKY LAB AND OTHER COVERED ENTITIES from NOV 2021 to DEC 2023.
3. Changed the date of FAR clause 52.219-9 SMALL BUSINESS SUBCONTRACTING PLAN from OCT 2022 to SEP 2023.

4. Changed the date of FAR clause 52.219-28 POST-AWARD SMALL BUSINESS REREPRESENTATION from MAR 2023 to SEP 2023.
 5. Removed GSAR clause 552.270-16 ADJUSTMENT FOR VACANT PREMISES (JUN 2011) as the SLAT lease template, L100A already contains the deviation version dated SEP 2022.
- iv. GSA Template 3517B, General Clauses (Acquisition of Leasehold Interests in Real Property):
1. Added FAR clause 52.204-30 FEDERAL ACQUISITION SUPPLY CHAIN SECURITY ACT ORDERS – PROHIBITION (DEC 2023).
 2. Changed the date of FAR clause 52.204-23 PROHIBITION ON CONTRACTING FOR HARDWARE, SOFTWARE, AND SERVICES DEVELOPED OR PROVIDED BY KASPERSKY LAB AND OTHER COVERED ENTITIES from NOV 2021 to DEC 2023.
 3. Corrected the title to FAR clause 52.215-10 to PRICE REDUCTION FOR *CERTIFIED* COST OR PRICING DATA.
 4. Changed the date of FAR clause 52.219-28 POST-AWARD SMALL BUSINESS PROGRAM REREPRESENTATION from MAR 2023 to SEP 2023.
 5. Changed the date of FAR clause 52.219-8 UTILIZATION OF SMALL BUSINESS CONCERNS from OCT 2022 to SEP 2023.
 6. Changed the date of FAR clause 52.219-9 SMALL BUSINESS SUBCONTRACTING PLAN from OCT 2022 to SEP 2023.

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 solicitation provisions and 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, prior to lease award, the LCO must transmit the updated Solicitation Provisions and updated General Clauses to the apparent successful offeror. The apparent successful offeror

must acknowledge receipt of these two documents. Incorporate the updated General 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.** Leasing Alert LA-23-06, Revision to Solicitation Provisions and General Clauses, including Attachments 1 through 6.
- 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 12/23)
Attachment 2, Solicitation Provisions (For Simplified Acquisition of Leasehold Interests in Real Property) GSA Template 3516A (REV 12/23)
Attachment 3, General Clauses, GSA Template 3517A REV (12/23)
Attachment 4, General Clauses, GSA Template REV (12/23)

COVER PAGE FOR ATTACHMENTS 1 - 4