

To: VA LCOs and Staff

Subject: OCFM ORP VA-Wide Leasing Policy Alert 2023-05: VA Specific Instructions for GSA's Leasing Alerts LA-23-05, LA-23-06 and Acquisition Letter AL MV-2023-06

Date: Friday, September 29, 2023 10:36:37 AM

Attachments: [image_1](#)
[MV-2023-06_0.pdf](#)

Importance: High

Good Morning/Afternoon,

Office of Construction and Facilities Management's Office of Real Property's VA-Wide Leasing Policy Alert 2023-05: VA Specific Instructions for GSA's Leasing Alerts LA-23-05, LA-23-06 and Acquisition Letter AL MV-2023-06

Please be advised that GSA issued the following:

- [Leasing Alert \(LA-23-05\)](#) - Revision to Leasing Forms and Templates on September, 19 2023
- [Leasing Alert \(LA-23-06\)](#) - Revision to Solicitation Provisions and General Clauses (GSA Templates 3516, 3516A, 3517A and 3517B) on September, 20 2023
- [Acquisition Letter \(AL\) MV-2023-06](#) - Lessor Reporting of Green Building Efficiency on September 12, 2023 (attached)

This policy alert provides a summary of the LAs and AL; however, please also take a few moments to read through the alerts and letter to familiarize yourself with the contents linked herein.

LA-23-05 Revision to Leasing Forms and Templates

Summary:

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This Leasing Alert issues revisions to General Services Administration (GSA) Public Building Service (PBS) leasing forms and templates as follows:

- Request for Lease Proposal (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)
- SLAT - R100 A and L100A (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

The 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. These updated templates are available on [Leasing Policy | GSA](#) and in the G-REX Templates Management Library.

Please note that this LA replaces guidance previously issued via Leasing Alert LA-22-08, "Revision to Leasing Forms and Templates" issued on **October 4, 2022**. LA-22-08 is therefore canceled.

VA Specific Instructions:

- This GSA Leasing Alert and **use of the updated attachments are mandatory** within RLP Packages for delegated leases issued on or after **October 1, 2023**.
- For RLPs issued PRIOR to **October 1, 2023**, RLP Amendments may be issued to update respective documentation at the discretion of the LCO.

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

Summary:

This Leasing Alert issues revised Solicitation Provisions, GSA Templates 3516 and 3516A and General Clauses, GSA Templates 3517A and 3517B. 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.

These updated templates are available at [Leasing Policy | GSA](#) and in the G-REX Templates Management Library. Please note that this LA cancels:

- Solicitation Provisions (Acquisition of Leasehold Interests in Real Property), **GSA Form 3516 (REV 07/21)**
- Solicitation Provisions (For Simplified Acquisition of Leasehold Interests in Real Property) **GSA Form 3516A (REV 07/21)**
- General Clauses (Acquisition of Leasehold Interests in Real Property for Small Leases), **GSA Form 3517A - Preliminary Injunction Version REV**
- General Clauses (Acquisition of Leasehold Interests in Real Property), **GSA Form 3517B – Preliminary Injunction Version REV (9/22)**

VA Specific Instructions:

This Leasing Alert and attachments are **mandatory for all delegated lease RLP packages issued on or after September, 20 2023**. For all delegated lease RLP packages issued prior to **September, 20 2023**, 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)

Acquisition Letter MV-2023-06 - Lessor Reporting of Green Building Efficiency

Summary:

The purpose of the attached AL is to provide guidance related to required lessor reporting of energy consumption, greenhouse gas emissions, and water usage for GSA leases. Lessors may also elect to report municipal solid waste (MSW) and construction waste but that is not required at this time.

The AL requires a new a new GSAR reporting clause, 552.270-99, Lessor Reporting of Green Building Efficiency, to be included in new leases of at least 25,000 RSF where the government occupies 75% of the building.

VA Specific Instructions:

This AL and attachments is **effective and mandatory for all delegated agencies on October 1, 2023**, and remains in effect until rescinded or incorporated into the GSAR.

This clause has been incorporated in the above referenced lease templates and are applicable per the below:

- **For all new RLP Packages:**
 - Already included in the Oct 2023 lease templates.
- **For lease projects where the RLP has already been issued:**
 - LCOs are advised to issue an amendment replacing the Utility Consumption Reporting paragraph with the GSAR clause.
- **For lease projects where the date for Final Proposal Revisions has passed:**
 - LCOs are not required to amend the RLP package and reopen negotiations; however, the LCO must transmit to the apparent successful offer the GSAR clause and the apparent successful offeror must acknowledge receipt of the GSAR clause.
- **Existing Leases:**
 - There is no effect on existing leases; contracting officers are not required to modify existing lease contracts.

Should you have any questions or concerns, please submit them to CFM ORP Policy and Programs, VACO003C7APolicyandProgramsTeam@va.gov.

Sent: Tuesday, September 26, 2023 11:08 AM

Subject: [EXTERNAL] Fwd: Leasing Alerts LA-23-05 & LA-23-06 and Acquisition Letter MV-2023-06

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Policy Leads,

The Office of Leasing (OL) has issued two Leasing Alerts to update templates:

1. [Leasing Alert \(LA-23-05\)](#) - Revision to Leasing Forms and Templates.
2. [Leasing Alert \(LA-23-06\)](#) - Revision to Solicitation Provisions and General Clauses (GSA Templates 3516, 3516A, 3517A and 3517B)

Attached are templates highlighted in yellow to show changes from prior versions. Also attached, is a summary table of changes across RLP and Lease models.

These Leasing Alerts are effective for all RLPs issued on or after October 1, 2023.

RLP, Lease, 3516 and 3517 templates are available under the G-REX templates library.

Also, for your awareness on September 12, 2023, GSA's Senior Procurement Executive signed [Acquisition Letter \(AL\) MV-2023-06](#), titled Lessor Reporting of Green Building Efficiency. This Acquisition Letter requires a new GSAR reporting clause, 552.270-99, Lessor Reporting of Green Building Efficiency, to be included in new leases of at least 25,000 RSF where the government occupies 75% of the building. This clause has been incorporated in the above referenced lease templates and are applicable per the below:

- For all new RLP Packages: Already included in the Oct 2023 lease templates.
- For lease projects where the RLP has already been issued: LCOs are advised to issue an amendment replacing the Utility Consumption Reporting paragraph with the GSAR clause.
- For lease projects where the date for Final Proposal Revisions has passed: LCOs are not required to amend the RLP package and reopen negotiations; however, the LCO must transmit to the apparent successful offer the GSAR clause and the apparent successful offeror must acknowledge receipt of the GSAR clause.

Per [Executive Order 14057](#), this clause requires Lessors to annually report whole-building energy consumption, greenhouse gas emissions, and water usage. Waste generation reporting is encouraged, although it is not mandatory for Lessors at this time.

More information about this clause can be found in the updated Leasing Desk Guide

Chapter (LDG) 18 - Sustainability and Environmental Considerations, to be issued in the future. This chapter will also include a guidance document with detailed timeline information and instructions on how Lessors can easily report energy, GHG emissions, and water information within the [EPA Portfolio Manager](#) tool.

The Office of Leasing will hold a Lease Lite Learning (LLL) ([webinar registration](#)) session for review of the updated RLP/Lease to include a brief overview of this new lessor reporting clause, and 3516/3517 template updates on October 10th from 1:00 to 2:30 p.m. eastern. Link to the registration was shared in a separate email.

Thank you