

SUBCHAPTER I—SPECIAL CONTRACTING PROGRAMS

PART 570 ACQUIRING LEASEHOLD INTERESTS IN REAL PROPERTY

Subpart 570.1—General

- Sec.
- 570.101 Applicability.
 - 570.102 Definitions.
 - 570.103 Authority to lease.
 - 570.104 Competition.
 - 570.105 Methods of contracting.
 - 570.105-1 Contracting by negotiation.
 - 570.105-2 Two-phase design-build selection procedures.
 - 570.105-3 Sealed bidding.
 - 570.106 Publicizing/Advertising.
 - 570.107 Oral presentations.
 - 570.108 Responsibility determination.
 - 570.109 Certifications.
 - 570.110 Cost or pricing data and information other than cost or pricing data.
 - 570.111 Inspection and acceptance.
 - 570.112 Awards to Federal employees.
 - 570.113 Disclosure of mistakes after award.
 - 570.114 Protests.

Subpart 570.2—Simplified Lease Acquisition Procedures

- 570.201 Purpose.
- 570.202 Policy.
- 570.203 Procedures.
 - 570.203-1 Market survey.
 - 570.203-2 Competition.
 - 570.203-3 Soliciting offers.
 - 570.203-4 Negotiations, evaluation, and award.

Subpart 570.3—Contracting Procedures for Leasehold Interests in Real Property

- 570.301 Market survey.
- 570.302 Description of requirements.
- 570.303 Solicitation for offers.
 - 570.303-1 Preparing the SFO.
 - 570.303-2 Issuing the SFO.
 - 570.303-3 Late offers, modifications of offers, and withdrawals of offers.
 - 570.303-4 Changes to SFOs.
- 570.304 General source selection procedures.
- 570.305 Two-phase design-build selection procedures.
- 570.306 Evaluating offers.
- 570.307 Negotiations.
- 570.308 Award.
- 570.309 Debriefings.

Subpart 570.4—Special Aspects of Contracting for Continued Space Requirements

- 570.401 Renewal options.
- 570.402 Succeeding leases.

- 570.402-1 General.
- 570.402-2 Publicizing/Advertising.
- 570.402-3 Market survey.
- 570.402-4 No potential acceptable locations.
- 570.402-5 Potential acceptable locations.
- 570.402-6 Cost-benefit analysis.
- 570.403 Expansion requests.
- 570.404 Superseding leases.
- 570.405 Lease extensions.

Subpart 570.5—Special Aspects of Contracting for Lease Alterations

- 570.501 General.
- 570.502 Alterations by the lessor.
 - 570.502-1 Justification and approval requirements.
 - 570.502-2 Procedures.
- 570.503 Alterations by the Government or through a separate contract.

Subpart 570.6—Solicitation Provisions and Contract Clauses

- 570.601 FAR provisions and clauses.
- 570.602 GSAR solicitation provisions.
- 570.603 GSAR contract clauses.
- 570.604 Deviations to provisions and clauses.

Subpart 570.7—Forms

- 570.701 Standard forms.
- 570.702 GSA forms.

AUTHORITY: 40 U.S.C. 486(c).

SOURCE: 64 FR 37265, July 9, 1999, unless otherwise noted.

Subpart 570.1—General

570.101 Applicability.

(a) This part applies to acquisitions of leasehold interests in real property except:

(1) Leasehold interests acquired by the power of eminent domain or by donation.

(2) Acquisition of leasehold interests in bare or unimproved land.

(b) In addition, the GSAR rules in the following table apply. Other provisions of 48 CFR Chapter 5 (GSAR) do not apply to leases of real property unless specifically cross-referenced in this part 570.

GSAR RULES APPLICABLE TO ACQUISITIONS OF LEASEHOLD INTERESTS IN REAL PROPERTY

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|-----|--------------|---------|---------|
| 501 | 514.201-7(b) | 517.207 | 533 |
| 502 | 514.407 | 519.7 | 536.271 |

570.102

GSAR RULES APPLICABLE TO ACQUISITIONS OF LEASEHOLD INTERESTS IN REAL PROPERTY—Continued

503	515.204-1	519.12	537.2
504.5	515.209-70	522.8	552
505	515.305	532.1	553
509.4	517.202	532.908	

570.102 Definitions.

Acquisition means the acquiring by lease of an interest in improved real property for use by the Federal Government, whether the space already exists or must be constructed.

Contract means lease.

Contractor means lessor.

Landlord or *lessor* means any individual, firm, partnership, trust, association, State or local government, or other legal entity that leases real property to the Government.

Lease or *leasehold interest in real property* means a conveyance to the Government of the right of exclusive possession of real property for a definite period of time by a landlord. It may include operational services provided by the landlord.

Lessee or *tenant* means the United States of America.

Operational services means services that support use of a leased property, such as heating, ventilation, air conditioning, utilities, and custodial services.

Rent and related services means that consideration paid for the use of leased property plus the costs of operational services whether furnished by the lessor, the Government, or both.

Simplified lease acquisition procedures mean the procedures for awarding leases at or below the simplified lease acquisition threshold.

Simplified lease acquisition threshold Means \$100,000 average annual rent for the term of the lease, including option periods and excluding the cost of operational services.

Small business means a concern including affiliates, which is organized for profit, is independently-owned and operated, is not dominant in the field of leasing commercial real estate, and has annual average gross receipts of \$15 million or less for the preceding three fiscal years.

Solicitation for Offers (SFO) means invitation for bids in sealed bidding or request for proposals in negotiations.

Space in buildings means the premises leased, or to be leased, including improvements. Its quantity is normally expressed in square feet. It does not include space acquired by the power of eminent domain, donation, or condemnation, nor acquisitions of bare or unimproved land.

Substantially as follows or *substantially the same as*, when used in prescribing a provision or clause, means that you may prepare and use a variation of that provision or clause to accommodate requirements peculiar to an individual acquisition. The variation must include the salient features of the FAR or GSAR provision or clause. It must also be consistent with the intent, principle, and substance of the FAR or GSAR provision or clause and related coverage on the subject matter.

570.103 Authority to lease.

(a) The Federal Property and Administrative Services Act of 1949 (40 U.S.C. 490(h)(1)), as amended, and Section 1 of the Reorganization Plan No. 18 of 1950 (40 U.S.C. 490 Note) authorize the Administrator of General Services to acquire leasehold interests in real property for use by Federal agencies. The authority is limited to leases for buildings and improvement that bind the Government for periods not exceeding 20 years.

(b) You have exclusive authority to enter into and administer leases on the Government's behalf to the extent provided in your certificate of appointment as a contracting officer.

570.104 Competition.

Unless you use the simplified procedures in subpart 570.2, the competition requirements of FAR part 6 apply to acquisition of leasehold interests in real property.

570.105 Methods of contracting.

570.105-1 Contracting by negotiation.

Contracting by negotiation is usually appropriate for acquiring space in a building through a lease contract. You will usually need to conduct discussions with offerors about their proposals and consider factors other than price in making the award.