

- Sec. 16, lots 1 to 8, inclusive, W $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ , SE $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ , NW $\frac{1}{4}$ NE $\frac{1}{4}$ , N $\frac{1}{2}$ NW $\frac{1}{4}$ , and N $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ ;
- Sec. 17, lots 2, 3, 5 to 9, inclusive, W $\frac{1}{2}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ , S $\frac{1}{2}$ NE $\frac{1}{4}$ , N $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ , and S $\frac{1}{2}$ SE $\frac{1}{4}$ ;
- Sec. 18, lots 1, 2, 4, 5, 8 to 11, inclusive, W $\frac{1}{2}$ E $\frac{1}{2}$ , E $\frac{1}{2}$ E $\frac{1}{2}$ NE $\frac{1}{4}$ , E $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ , and NE $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ ;
- Sec. 19, lots 1, 3, 4, NW $\frac{1}{4}$ NE $\frac{1}{4}$ , N $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ , SE $\frac{1}{4}$ NW $\frac{1}{4}$ , NW $\frac{1}{4}$ SW $\frac{1}{4}$ , and N $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ ;
- Sec. 22, lots 5 to 8, inclusive, NE $\frac{1}{4}$ NW $\frac{1}{4}$ , E $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ , and E $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ ;
- Sec. 27, lot 1.
- T. 10 S., R. 104 W.,  
 Sec. 12, E $\frac{1}{2}$ E $\frac{1}{2}$ E $\frac{1}{2}$ ;
- Sec. 13, E $\frac{1}{2}$ E $\frac{1}{2}$ E $\frac{1}{2}$ ;
- Sec. 23, lots 1 to 4, inclusive, E $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ , and E $\frac{1}{2}$ W $\frac{1}{2}$ SE $\frac{1}{4}$ ;
- Sec. 24, lots 1 to 9, inclusive, NW $\frac{1}{4}$ NE $\frac{1}{4}$ , N $\frac{1}{2}$ NW $\frac{1}{4}$ , E $\frac{1}{2}$ SW $\frac{1}{4}$ , and N $\frac{1}{2}$ SE $\frac{1}{4}$ ;
- Sec. 25, lots 1 to 4, inclusive, E $\frac{1}{2}$ W $\frac{1}{2}$ , and SW $\frac{1}{4}$ SW $\frac{1}{4}$ ;
- Sec. 26, lots 1 to 7, inclusive, E $\frac{1}{2}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ , SW $\frac{1}{4}$ NE $\frac{1}{4}$ , and S $\frac{1}{2}$ NW $\frac{1}{4}$ ;
- Sec. 27, lots 1 to 9, inclusive, S $\frac{1}{2}$ NE $\frac{1}{4}$  and SE $\frac{1}{4}$ NW $\frac{1}{4}$ ;
- Sec. 28, lots 1 to 3, inclusive, S $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ , and W $\frac{1}{2}$ SE $\frac{1}{4}$ ;
- Sec. 32, lots 1 to 7, inclusive, NE $\frac{1}{4}$ SW $\frac{1}{4}$ , SE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ , and N $\frac{1}{2}$ SE $\frac{1}{4}$ ;
- Sec. 33, lots 1 to 12, inclusive, NW $\frac{1}{4}$ NE $\frac{1}{4}$ , and E $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ ;
- Sec. 34, N $\frac{1}{2}$ N $\frac{1}{2}$ NE $\frac{1}{4}$ , N $\frac{1}{2}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ , W $\frac{1}{2}$ NW $\frac{1}{4}$ , and NW $\frac{1}{4}$ SW $\frac{1}{4}$ ;
- Sec. 35, N $\frac{1}{2}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$  and N $\frac{1}{2}$ N $\frac{1}{2}$ NW $\frac{1}{4}$ .
- T. 11 S., R. 104 W.,  
 Sec. 3, lots 3 and 4;  
 Sec. 4, lots 1 to 4, inclusive, S $\frac{1}{2}$ NW $\frac{1}{4}$ , and SW $\frac{1}{4}$ ;
- Sec. 5, lot 1, SE $\frac{1}{4}$ NE $\frac{1}{4}$ , E $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ , N $\frac{1}{2}$ SE $\frac{1}{4}$ , and SE $\frac{1}{4}$ SE $\frac{1}{4}$ ;
- Sec. 7, lots 1 to 4, inclusive;
- Sec. 8, E $\frac{1}{2}$ NE $\frac{1}{4}$ , N $\frac{1}{2}$ NW $\frac{1}{4}$ , SW $\frac{1}{4}$ NW $\frac{1}{4}$ , and S $\frac{1}{2}$ ;
- Sec. 9, NW $\frac{1}{4}$ NW $\frac{1}{4}$ , W $\frac{1}{2}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ , and W $\frac{1}{2}$ W $\frac{1}{2}$ SW $\frac{1}{4}$ .

The areas described aggregate 8,170.49 acres in Mesa County.

2. Subject to valid existing rights, the reserved Federal mineral interest for the following described privately owned land is hereby withdrawn from the United States mining laws (30 U.S.C. Ch. 2 (1988)), but not from leasing under the mineral leasing laws:

#### Sixth Principal Meridian

- T. 11 S., R. 104 W.,  
 Sec. 5, E $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ .

The area described contains 20 acres in Mesa County.

3. The following described privately owned lands are within the exterior boundary of the proposed withdrawal. If these lands are subsequently acquired by the United States, this withdrawal would attach to these lands:

#### Ute Principal Meridian

- T. 1 N., R. 3 W.,

- Sec. 16, lot 1;  
 Sec. 17, lots 1 to 3, inclusive.

#### Sixth Principal Meridian

- T. 10 S., R. 103 W.,  
 Sec. 8, lots 1, 4, 5, and 8;  
 Sec. 17, lots 1 and 4;  
 Sec. 18, a portion of mineral patent 18783;  
 Sec. 19, a portion of mineral patent 18783.
- T. 10 S., R. 104 W.,  
 Sec. 24, a portion of mineral patent 18783;  
 Sec. 26, N $\frac{1}{2}$ S $\frac{1}{2}$ ;  
 Sec. 27, SW $\frac{1}{4}$ NW $\frac{1}{4}$ .
- T. 11 S., R. 104 W.,  
 Sec. 5, E $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$  and SW $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
 Sec. 8, W $\frac{1}{2}$ NE $\frac{1}{4}$  and SE $\frac{1}{4}$ NW $\frac{1}{4}$ .

The areas described aggregate 731 acres in Mesa County.

4. The withdrawal made by this order does not alter the applicability of those public land laws governing the use of the lands under lease, license, or permit, or governing the disposal of their mineral or vegetative resources other than under the mining laws.

5. This withdrawal will expire 20 years from the effective date of this order unless, as a result of a review conducted before the expiration date pursuant to Section 204(f) of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1714(f) (1988), the Secretary determines that the withdrawal shall be extended.

Dated: August 4, 1995.

#### Bob Armstrong,

*Assistant Secretary of the Interior.*

[FR Doc. 95-20328 Filed 8-16-95; 8:45 am]

BILLING CODE 4310-JB-P

## GENERAL SERVICES ADMINISTRATION

### 48 CFR Parts 501, 503, 505, 506, 507, 519, 552, and 570

[APD 2800.12A CHGE 65]

RIN AF67

#### General Services Administration Acquisition Regulation; Leasing Real Property

**AGENCY:** Office of Acquisition Policy, GSA.

**ACTION:** Final rule.

**SUMMARY:** The General Services Administration Acquisition Regulation (GSAR) is amended to implement several provisions of the Federal Acquisition Streamlining Act (FASA), Pub. L. 103-355, October 13, 1994, as it applies to the acquisition of leasehold interests in real property. Some of the provisions of FASA which are implemented in the Federal Acquisition Regulation (FAR) will also apply to leases of real property because the

GSAR incorporates provisions of the FAR that apply to leases of real property by reference. Other provisions of FASA are unique to leases of real property and are addressed in Part 570 of the GSAR. This rule also implements several recommendations made by a GSA process re-engineering team for improving the procedures for acquiring leasehold interests in real property.

**EFFECTIVE DATE:** August 16, 1995.

**FOR FURTHER INFORMATION CONTACT:** Tom Wisnowski, Office of GSA Acquisition Policy, (202) 501-1224.

#### SUPPLEMENTARY INFORMATION:

##### A. Public Comments

A notice of proposed rulemaking was published in the **Federal Register** on April 20, 1995 (60 FR 19708). Public comments were received from the Institute of Real Estate Management and the Department of Commerce, and comments were received from GSA real property contracting activities. All of the comments were considered in formulating the final rule. Changes made as a result of review of the comments include the following: (1) The current publicizing threshold of 10,000 square feet has been retained; (2) use of a specific electronic bulletin board system as a publicizing alternative has been changed to use of an on-line information system as an additional option; (3) the "Changes" clause has been revised to permit unilateral changes except for changes to the amount of space under lease; (4) additional changes were made in clause prescriptions where required by threshold changes as a result of FASA implementation in the FAR; and (5) revisions to procedures and regulatory language were made where comments indicated that additional clarification was needed.

##### B. Executive Order 12866

This final rule was not submitted to the Office of Management and Budget (OMB) for review because the rule is not a significant regulatory action as defined in Executive Order 12866, Regulatory Planning and Review.

##### C. Regulatory Flexibility Act

This rule is not expected to have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) because it will have a beneficial impact on all offerors, including small business concerns. The rule substantially simplifies the acquisition process for leases of real property entered into by the General Services Administration (GSA) making

it easier for offerors to do business with GSA. Therefore, a final regulatory flexibility analysis was not prepared. However, analysis of small business participation in the GSA leasing program revealed that the majority of leases are awarded to small entities. The small business share of the current active lease inventory of 7,101 leases is approximately 72% (5081 leases). As expected, participation is proportionately greater for smaller leases. Of the 3,383 leases which would fall under the new simplified lease acquisition threshold, small business participation is approximately 74%, compared to 67% for leases over the threshold. It is anticipated that the simplified procedures prescribed in this rule will result in an increase in the 74% small business share because of process simplification and consequential, significant reduction in the period of time between solicitation and award.

**D. Paperwork Reduction Act**

The Paperwork Reduction Act does not apply because the changes to the GSAR do not impose recordkeeping or information collection requirements, or collections of information from offerors, contractors, or members of the public which require the approval of the Office of Management and Budget under 44 U.S.C. 3501, *et seq.*

**List of Subjects in 48 CFR Parts 501, 503, 505, 506, 507, 519, 552, and 570**

Government procurement.

Accordingly, 48 CFR Parts 501, 503, 505, 506, 507, 519, 552, and 570 are amended to read as follows:

1. The authority citation for 48 CFR Parts 501, 503, 505, 506, 507, 519, 552, and 570 continues to read as follows:

**Authority:** 40 U.S.C. 486(c).

**PART 501—GENERAL SERVICES ADMINISTRATION ACQUISITION REGULATION SYSTEM**

2. Section 501.103 is amended by revising paragraph (b) to read as follows:

**501.103 Applicability.**

\* \* \* \* \*

(b) Parts 501, 502, 503, 505, 506, 517, 530, 533, 552, 553, 570, and subparts 504.2, 504.9, 509.4, 515.1, 519.3, 519.6, 519.7, 522.8, 522.13, 522.14, 532.1, 532.4, 532.6, 532.8, and 532.9 apply to leases of real property. Other provisions of the (GSAR) 48 CFR chapter 5 do not apply to leases of real property unless a specific cross-reference is made in part 570.

\* \* \* \* \*

**PART 503—IMPROPER BUSINESS PRACTICES AND PERSONAL CONFLICTS OF INTEREST**

3. Section 503.104–10 is amended by revising paragraphs (a), (b)(3), and (c) to read as follows:

**503.104–10 Solicitation provisions and contract clauses.**

(a) The contracting officer may insert the provision at 552.203–71, Prohibited Conduct, in solicitations for the acquisition of leasehold interests in real property if there is a need to inform prospective offerors of certain conduct which is prohibited by law.

(b) \* \* \*

(3) Simplified procedures are being used (see 570.2).

(c) The contracting officer shall insert a clause substantially the same as the clause at 552.203–73, Price Adjustments for Illegal or Improper Activity, in solicitations and contracts for the acquisition of leasehold interests in real property expected to exceed \$100,000 and all modifications to leases exceeding \$100,000 which do not already contain the clause.

4. Section 503.404 is amended by revising paragraph (a) to read as follows:

**503.404 Solicitation provision and contract clause.**

(a) The contracting officer shall insert the provision at 552.203–4, Contingent Fee Representation and Agreement, in solicitations for the acquisition of leasehold interests in real property which exceed the simplified lease acquisition threshold.

\* \* \* \* \*

**PART 505—PUBLICIZING CONTRACT ACTIONS**

5. Section 505.101 is amended by revising paragraph (c) introductory text to read as follows:

**505.101 Methods of disseminating information.**

\* \* \* \* \*

(c) Unless exempt under FAR 5.202 or 505.202, proposed acquisitions must be publicized in local newspapers and may also be posted on on-line information systems, when the acquisition is for:

\* \* \* \* \*

6. Section 505.202 is amended by revising paragraph (a) introductory text to read as follows and by removing paragraph (b)(1) and redesignating paragraphs (b)(2) and (b)(3) as (b)(1) and (b)(2), respectively.

**505.202 Exceptions.**

\* \* \* \* \*

(a) Advertising in local newspapers, and optional posting on on-line

information systems, are more appropriate than synopsisizing in the *Commerce Business Daily* (CBD) for proposed acquisitions of—

\* \* \* \* \*

7. Section 505.203 is amended by revising paragraph (b) to read as follows:

**505.203 Publicizing and response time.**

\* \* \* \* \*

(b) The publicizing and response times in paragraph (a) do not apply to proposed acquisitions of leasehold interests in real property being conducted using simplified lease acquisition procedures (see 570.2). In such cases, the contracting officer may establish response times appropriate for the individual acquisition involved.

**PART 506—COMPETITION REQUIREMENTS**

8. Section 506.001 is added before subpart 506.2 to read as follows:

**506.001 Applicability.**

This part does not apply to acquisitions of leasehold interests in real property awarded using the simplified procedures of subpart 570.2.

**PART 507—ACQUISITION PLANNING**

**507.100 [Removed]**

9. Section 507.100 is removed.

**PART 519—SMALL BUSINESS AND SMALL DISADVANTAGED BUSINESS CONTRACTING**

10. Section 519.705–2 is revised to read as follows:

**519.705–2 Determining the need for a subcontracting plan.**

The requirement at FAR 19.702(a)(1) for submission of a subcontracting plan by only the apparently successful offeror does not apply to GSA negotiated solicitations when the contract is expected to exceed \$500,000 (\$1,000,000 for construction) and the contract will be awarded on the basis of an evaluation of technical and/or management proposals and cost or price proposals using source selection procedures. Except for acquisitions of commercial products, or offering minimal subcontracting opportunities, such acquisitions shall require submission of a subcontracting plan with the initial offer by all offerors that are not small business concerns.

11. Section 519.708 is amended by revising paragraph (c), removing paragraph (d)(1) and redesignating

paragraphs (d)(2) and (d)(3) as (d)(1) and (d)(2) to read as follows:

**519.708 Solicitation provisions and contract clauses.**

\* \* \* \* \*

(c) The contracting officer shall insert the provision at 552.219-72, Notice to Offerors of Subcontracting Plan Requirements, on the cover page of the solicitation if the solicitation includes the clause at 552.219-9, Small Business Subcontracting Plan.

\* \* \* \* \*

**PART 552—SOLICITATION PROVISIONS AND CONTRACT CLAUSES**

12. Section 552.203-72 is amended by revising the date of the provision and revising paragraph (b) of the provision to read as follows:

**552.203-72 Requirement for Certificate of Procurement Integrity.**

\* \* \* \* \*

**Requirement for Certificate of Procurement Integrity (Aug 1995)**

(a) \* \* \*  
 (b) The officer or employee responsible for the offer submitted in response to this solicitation shall submit the following certification upon the request of the Contracting Officer.

\* \* \* \* \*

13. Section 552.270-1 is amended by revising the introductory text to read as follows:

**552.270-1 Preparation of offers.**

As prescribed in 570.702(a), insert the following provision:

\* \* \* \* \*

14. Section 552.270-2 is amended by revising the introductory text to read as follows:

**552.270-2 Explanation to prospective offerors.**

As prescribed in 570.702(b), insert the following provision:

\* \* \* \* \*

15. The provision at 552.270-3 is amended by revising the introductory text, the date of the provision, the introductory text of paragraph (a) of the clause, and adding an Alternate I to read as follows:

**552.270-3 Late submissions, modifications, and withdrawals of offers.**

As prescribed in 570.702(c), insert the following provision:

**Late Submissions, Modifications, and Withdrawals of Offers (Aug 1995)**

(a) Any offer received at the office designated in the solicitation after the exact time specified for receipt of initial offers will

not be considered unless it is received before award is made and it—

\* \* \* \* \*

*Alternate I (AUG 1995)*

As prescribed in 570.702(c), substitute the following paragraph for paragraph (a) of the basic clause:

(a) Any offer received at the office designated in the solicitation after the exact time specified for receipt of best and final offers will not be considered unless it is received before award is made and it—

16. Section 552.270-4 is amended by revising the introductory text to read as follows:

**552.270-4 Historic preference.**

As prescribed in 570.702(d), insert the following provision:

\* \* \* \* \*

17. Section 552.270-5 is amended by revising the introductory text to read as follows:

**552.270-5 Lease award.**

As prescribed in 570.702(e), insert the following provision:

\* \* \* \* \*

18. Section 552.270-6 is amended by revising the introductory text to read as follows:

**552.270-6 Parties to execute lease.**

As prescribed in 570.702(f), insert the following provision:

\* \* \* \* \*

19. Section 552.270-10 is amended by revising the introductory text to read as follows:

**552.270-10 Definitions.**

As prescribed in 570.703(a)(1), insert the following clause:

\* \* \* \* \*

20. Section 552.270-11 is amended by revising the introductory text to read as follows:

**552.270-11 Subletting and assignment.**

As prescribed in 570.703(a)(2), insert the following clause:

\* \* \* \* \*

21. Section 552.270-12 is amended by revising the introductory text to read as follows:

**552.270-12 Maintenance of building and premises—Right of entry.**

As prescribed in 570.703(a)(3), insert the following clause:

\* \* \* \* \*

22. Section 552.270-13 is amended by revising the introductory text to read as follows:

**552.270-13 Fire and casualty damage.**

As prescribed in 570.703(a)(4), insert the following clause:

\* \* \* \* \*

23. Section 552.270-15 is amended by revising the introductory text to read as follows:

**552.270-15 Compliance with applicable law.**

As prescribed in 570.703(a)(5), insert the following clause:

\* \* \* \* \*

24. Section 552.270-16 is amended by revising the introductory text to read as follows:

**552.270-16 Inspection—Right of entry.**

As prescribed in 570.703(a)(6), insert the following clause:

\* \* \* \* \*

25. Section 552.270-17 is amended by revising the introductory text to read as follows:

**552.270-17 Failure and performance.**

As prescribed in 570.703(a)(7), insert the following clause:

\* \* \* \* \*

26. Section 552.270-18 is amended by revising the introductory text to read as follows:

**552.270-18 Successors bound.**

As prescribed in 570.703(a)(8), insert the following clause:

\* \* \* \* \*

27. Section 552.270-19 is amended by revising the introductory text to read as follows:

**552.270-19 Alterations.**

As prescribed in 570.703(a)(9), insert the following clause:

\* \* \* \* \*

28. Section 552.270-20 is amended by revising the introductory text to read as follows:

**552.270-20 Proposals for adjustment.**

As prescribed in 570.703(a)(10), insert the following clause:

\* \* \* \* \*

29. Section 552.270-21 is amended by revising the introductory text, the date, and paragraph (a) of the clause to read as follows:

**552.270-21 Changes.**

As prescribed in 570.703(a)(11), insert the following clause:

**Changes (Aug 1995)**

(a) The Contracting Officer may at any time, by written order, make changes within the general scope of this lease in any one or more of the following:

- (1) Specifications (including drawings and designs);
- (2) Work or services;
- (3) Facilities or space layout; or
- (4) Amount of space, provided the Lessor consents to the change.

\* \* \* \* \*

30. Section 552.270-22 is amended by revising the introductory text to read as follows:

**552.270-22 Liquidated damages.**

As prescribed in 570.703(b), insert the following clause:

\* \* \* \* \*

**552.270-23, 552.270-24 [Removed]**

31. Sections 552.270-23 and 552.270-24 are removed and reserved.

32. Section 552.270-25 is amended by revising the introductory text to read as follows:

**552.270-25 Adjustment for vacant premises.**

As prescribed in 570.703(a)(12), insert the following clause:

\* \* \* \* \*

33. Section 552.270-27 is amended by revising the introductory text to read as follows:

**552.270-27 Delivery and condition.**

As prescribed in 570.703(a)(13), insert the following clause:

\* \* \* \* \*

34. Section 552.270-28 is amended by revising the introductory text to read as follows:

**552.270-28 Default in delivery—Time extensions.**

As prescribed in 570.703(a)(14), insert the following clause:

\* \* \* \* \*

35. Section 552.270-30 is amended by revising the introductory text to read as follows:

**552.270-30 Progressive occupancy.**

As prescribed in 570.703(a)(15), insert the following clause:

\* \* \* \* \*

36. Section 552.270-31 is amended by revising the introductory text to read as follows:

**552.270-31 Payment.**

As prescribed in 570.703(a)(16), insert the following clause:

\* \* \* \* \*

37. Section 552.270-32 is amended by revising the introductory text to read as follows:

**552.270-32 Effect of acceptance and occupancy.**

As prescribed in 570.703(a)(17), insert the following clause:

\* \* \* \* \*

38. Section 552.270-33 is amended by revising the introductory text to read as follows:

**552.270-33 Default by lessor during the term.**

As prescribed in 570.703(a)(18), insert the following provision:

\* \* \* \* \*

39. Section 552.270-34 is amended by revising the introductory text to read as follows:

**552.270-34 Subordination, nondisturbance and attornment.**

As prescribed in 570.703(a)(19), insert the following clause:

\* \* \* \* \*

40. Section 552.270-35 is amended by revising the introductory text to read as follows:

**552.270-35 Statement of lease.**

As prescribed in 570.703(a)(20), insert the following clause:

\* \* \* \* \*

41. Section 552.270-36 is amended by revising the introductory text to read as follows:

**552.270-36 Substitution of tenant agency.**

As prescribed in 570.703(a)(21), insert the following clause:

\* \* \* \* \*

42. Section 552.270-37 is amended by revising the introductory text to read as follows:

**552.270-37 No waiver.**

As prescribed in 570.703(a)(22), insert the following clause:

\* \* \* \* \*

43. Section 552.270-38 is amended by revising the introductory text to read as follows:

**552.270-38 Integrated agreement.**

As prescribed in 570.703(a)(23), insert the following clause:

\* \* \* \* \*

44. Section 552.270-39 is amended by revising the introductory text to read as follows:

**552.270-39 Mutuality of obligation.**

As prescribed in 570.703(a)(24), insert the following clause:

\* \* \* \* \*

45. Section 552.270-40 is amended by revising the introductory text to read as follows:

**552.270-40 Asbestos and hazardous waste management.**

As prescribed in 570.703(a)(25), insert the following clause:

\* \* \* \* \*

46. Section 552.270-41 is amended by revising the introductory text to read as follows:

**552.270-41 Acceptance of space.**

As prescribed in 570.703(a)(26), insert the following clause:

\* \* \* \* \*

**PART 570—ACQUISITION OF LEASEHOLD INTERESTS IN REAL PROPERTY**

47. Section 570.102 is amended by removing the definition of “Fair Rental” and by adding the definition of “Simplified lease acquisition threshold” after the definition “Rent and related services” to read as follows:

**570.102 Definitions.**

\* \* \* \* \*

*Simplified lease acquisition threshold* means \$100,000 average annual rent, excluding the cost of operational services, such as heat, light, and janitorial services, whether furnished by the lessor, the government, or both, for the term of the lease, including option periods.

\* \* \* \* \*

48. Section 570.104 is revised to read as follows:

**570.104 Contracting Officers.**

Contracting officers, acting within the scope of their appointments, are the exclusive agents to enter into and administer leases on behalf of the Government in accordance with agency procedures.

49. Section 570.105 is revised to read as follows:

**570.105 Competition.**

Unless the simplified procedures in subpart 570.2 are used, the competition requirements of FAR part 6 and part 506 apply to the acquisition of leasehold interests in real property.

50. Subpart 570.2 is revised to read as follows:

**Subpart 570.2—Simplified Lease Acquisition Procedures**

Sec.

570.201 Definitions.

570.202 Purpose.

570.203 Policy.

570.204 Procedures.

570.204-1 Market survey.

570.204-2 Competition.

570.204-3 Soliciting offers.

570.204-4 Negotiation, evaluation, and award.

570.204-5 Inspection.

**570.201 Definitions.**

*Simplified lease acquisition procedures* mean the procedures described in this subpart for awarding leases at or below the simplified lease acquisition threshold of \$100,000, including options.

**570.202 Purpose.**

The purpose of this subpart is to prescribe simplified procedures for small leases in order to reduce administrative costs while providing for the efficient and economical acquisition of leasehold interests in real property.

**570.203 Policy.**

Simplified lease acquisition procedures should be used to the maximum extent practicable for actions at or below the simplified lease acquisition threshold.

**570.204 Procedures.****570.204-1 Market survey.**

A market survey must be conducted to identify potential sources. The contracting officer may use information available within GSA or from other available sources to identify locations that will meet the Government's minimum requirements.

**570.204-2 Competition.**

(a) When the lease is not expected to exceed the simplified lease acquisition threshold, the solicitation of at least three sources is considered to promote competition to the maximum extent practicable. When repeated requirements for space occur in the same market, and if practicable, two sources not included in the most recent solicitation should be invited to submit offers.

(b) If only one source is solicited, the file must be documented with an explanation for the lack of competition.

**570.204-3 Soliciting offers.**

(a) Offers should be solicited by presenting each prospective offeror with a proposed short form lease or SFO which identifies all minimum requirements, all award factors, including price or cost, and any significant subfactors that will be considered in awarding the lease and which states the relative importance the Government places on the evaluation factors or subfactors. In describing the evaluation factors to be considered, the solicitation shall clearly disclose whether all evaluation factors other than cost or price when combined, are significantly more important than cost or price; approximately equal in importance to cost or price; or significantly less important than cost or price.

(b) The proposed lease or SFO must describe the Government's requirements and include, either in full text or by reference, applicable FAR provisions and contract clauses required by 570.701 and applicable GSAR

provisions and clauses required by 570.702 and 570.703.

(c) To the extent necessary, the Government's requirements, pricing matters, evaluation procedures and submission of offers should be reviewed with prospective offerors.

**570.204-4 Negotiation, evaluation, and award.**

(a) Negotiations, if applicable, should be conducted in accordance with 570.305.

(b) Offers must be evaluated in accordance with the solicitation. The contracting officer shall evaluate the price and document the lease file to demonstrate that the proposed contract prices represent fair and reasonable prices. In cases where the total cost exceeds \$500,000, cost and pricing data must be obtained unless the requirement is waived or one of the exemptions at FAR 15.804-2 applies. The market price exemption from submission of cost or pricing data may be applied to proposed leases where there is evidence that the price is based on an established market price for similar space leased to the general public. A market survey and/or an appraisal conducted in accordance with accepted real property appraisal procedures may be used as evidence to establish the market price.

(c) An acceptable small business subcontracting plan must be provided if the total contract value of the lease will exceed \$500,000, unless the lease will be awarded to a small business concern.

(d) For leases expected to exceed \$100,000, a Certificate of Procurement Integrity must be provided to the proposed successful offeror for completion and submission before award.

(e) The contracting officer should review the List of Parties Excluded from Federal Procurement and Nonprocurement Programs, to ensure the proposed awardee is eligible to receive the award and is otherwise responsible before awarding the lease.

(f) An award will be made to the responsible offeror whose proposal is most advantageous to the Government considering price and other factors included in the solicitation.

**570.204-5 Inspection.**

The space must be inspected to ensure that it is in substantial compliance with the Government's requirements and specifications before acceptance by the contracting officer. The contract file must be documented accordingly.

51. Subpart 570.3 is revised to read as follows:

**Subpart 570.3—Procedures for Contracting for Leasehold Interests in Real Property**

Sec.

- 570.301 Market surveys.
- 570.302 Publicizing/Advertising.
- 570.303 Solicitation for offers (SFO).
- 570.304 Changes to SFO's.
- 570.305 Negotiations.
- 570.306 Evaluating offers.
- 570.307 Late offers, modifications of offers, and withdrawals of offers.
- 570.308 Preaward requirements.
- 570.308-1 General.
- 570.308-2 Cost or pricing data.
- 570.308-3 Proposal evaluation.
- 570.308-4 Responsibility determinations.
- 570.309 Award.
- 570.310 Debriefings.
- 570.311 Inspection.

**570.301 Market surveys.**

A market survey must be conducted to identify potential sources. The contracting officer may use information available within GSA or from other available sources to identify locations that will meet the Government's minimum requirements.

**570.302 Publicizing/Advertising.**

(a) Leasing actions for blocks of space of more than 10,000 square feet must be publicized in local newspapers and may also be posted on an on-line information system, unless exempt under FAR 5.202 or 505.202.

(b) When the Government intends to acquire a leasehold interest in a building to be constructed on a preselected site, the proposed acquisition must be synopsisized in the Commerce Business Daily (CBD).

**570.303 Solicitation for offers (SFO).**

(a) The SFO is the basis for the entire lease negotiation process and must be made a part of the lease. SFO's must contain the information necessary to enable the prospective offeror to prepare a proposal. Each SFO, at a minimum, must—

- (1) Be in writing.
- (2) Contain a description of the minimum requirements of the Government, including—
  - (i) A description of the required space.

(ii) Specifications. The type of specification will depend upon the nature of the space needed by the agency and the market available to satisfy the need. Specifications may be stated in terms of function, performance, or design requirements. The specification must be drafted to promote full and open competition and include restrictive provisions or conditions only to the extent necessary to satisfy the needs of the agency or as authorized by law.

- (iii) Any special requirements.

(iv) A delivery schedule.

(3) State the method to be used to measure space.

(4) Specify a date and place for the submission of offers.

(5) Indicate how offers will be evaluated.

(6) Indicate how offers are to be structured.

(7) Identify all factors, including price or cost, and any significant subfactors that will be considered in awarding the lease and state the relative importance the Government places on those evaluation factors and subfactors. In describing the evaluation factors to be considered, the SFO shall clearly disclose whether all evaluation factors other than cost or price when combined, are significantly more important than cost or price, approximately equal in importance to cost or price, or significantly less important than cost or price. Numerical weights, which may be employed in the evaluation of proposals, need not be disclosed in solicitations. The solicitation must inform offerors of minimum requirements that apply to the procurement. The other factors that will be considered in evaluating proposals should be tailored to each acquisition and include only those factors that will have an impact on the award decision. The evaluation factors that apply to an acquisition and the relative importance of those factors are within the broad discretion of the contracting officer. However, price or cost to the Government must be included as an evaluation factor in every case.

(8) The SFO may state that award will be made to the offeror that meets the SFO's minimum criteria for acceptable award at the lowest cost or price.

(9) Include a statement outlining the information that may be disclosed in post-award debriefings.

(10) Include appropriate forms as prescribed in subpart 570.8.

(b) The SFO must be released to all prospective offerors at the same time.

#### 570.304 Changes to SFO's.

(a) When the Government's requirements change (either before or after receipt of proposals), the SFO must be amended in writing.

(b) When time is of the essence, information on SFO amendments may be provided orally if—

(1) A record is made of the information provided;

(2) All offerors or prospective offerors are given notice, or attempts to provide offerors or prospective offerors with such notice are made, on the same day, if possible; and

(3) The information provided orally is promptly confirmed by a written amendment.

(c) When amendments to the Government's requirements occur, the following procedures apply—

(1) If proposals have not been submitted, amendments must be sent to all prospective offerors who have been sent a copy of the SFO.

(2) If proposals have been received, the amendments must be sent to all of the offerors.

(3) If an amendment is so substantial that it requires a complete revision of the SFO, the SFO should be concealed and a new SFO issued.

#### 570.305 Negotiations.

(a) Negotiations will be conducted with all offerors that are within the competitive range. The contracting officer shall determine the competitive range on the basis of cost and other factors that were stated in the SFO and shall include in the competitive range all offers that have a reasonable chance of being selected for award.

(b) The content and extent of the negotiations are a matter of the contracting officer's judgment based on the particular facts of each acquisition. The contracting officer shall—

(1) Control all discussions;

(2) Advise offerors of deficiencies in their proposals so that offerors are given an opportunity to satisfy the Government's requirements; attempt to resolve any uncertainties concerning the proposals; resolve any suspected mistakes by calling them to the offeror's attention as specifically as possible without disclosing information concerning other offerors' proposals or the evaluation process; and

(3) Provide offerors a reasonable opportunity to submit any cost or price, technical, or other revisions to their proposals that may result from the discussions.

(c) No indication may be given to any offeror of a target price which must be met.

(d) No information regarding the number or identity of offerors participating in the procurement may be made available to anyone whose official duties do not require such knowledge.

(e) Negotiations must be closed by establishing a date and time for closing of negotiations and requesting in writing that offerors submit a "best and final offer" by that date.

(f) Negotiations may not be conducted after the closing date for best and final offers unless negotiations are reopened with all offerors in the competitive range.

(g) Negotiations are confidential and must reflect complete agreement on all

items and conditions of the lease contract. Information regarding the transaction will not be announced or made available until after the contract is awarded.

(h) A written negotiation record must be placed in the lease file.

#### 570.306 Evaluating offers.

(a) An abstract of final offers may be prepared to aid in the analysis of offers received.

(b) Offers must be evaluated in accordance with the SFO.

#### 570.307 Late offers, modifications of offers, and withdrawals of offers.

Offers determined to be received late will be handled in accordance with FAR 15.412.

#### 570.308 Preaward requirements.

##### 570.308-1 General.

(a) If an offeror answers affirmatively on the Contingent Fee Representation and Agreement, in order to comply with the warranty requirement of 41 U.S.C. 254(a), the requirements of FAR 3.4 and 503.4 must be followed for leasing actions expected to exceed the simplified lease acquisition threshold.

(b) For leases expected to exceed \$100,000, a Certificate of Procurement Integrity must be provided to the proposed successful offeror for completion and submission before award.

(c) Other applicable certifications should be reviewed for compliance with regulations.

##### 570.308-2 Cost or pricing data.

(a) Cost or pricing data are required under the circumstances described in FAR 15.804-2.

(b) The exemptions from and waivers of submission of certified cost or pricing data are outlined in FAR 15.804-3. The competition exemption applies when adequate price competition, as defined in FAR 15.804-3(b), is obtained. The market price exemption from submission of cost or pricing data may be applied to proposed leases where there is evidence that the price is based on an established market price for similar space leased to the general public. A market survey and/or an appraisal conducted in accordance with accepted real property appraisal procedures may be used as evidence to establish the market price. The contracting officer may grant an exemption and need not require the prospective lessor to submit a Standard Form 1412, Claim for Exemption from Submission of Certified Cost or Pricing Data, when there is evidence, before solicitation, that there is an acceptable

established market price (see FAR 15.804-3(e)(3)).

(c) In exceptional cases, the requirement for submission of certified cost or pricing data may be waived under FAR 15.804-3(i) and 515.804-3.

(d) When certified cost or pricing data is required, the contracting officer shall follow the procedural requirements in FAR 15.804-6(e).

(e) If the proposed lessor refuses to provide the data when required, the contracting officer shall follow the procedures in FAR 15.804-6(e) and 515.804-6.

#### 570.308-3 Proposal evaluation.

(a) Offers must be evaluated in accordance with the solicitation. The contracting officer shall evaluate the price and document the lease file to demonstrate that the proposed contract prices represent fair and reasonable prices.

(b) The lease file must also document the evaluation of other award factors listed in the solicitation. The file must include the basis for evaluation, an analysis of each offer, and a summary of findings.

#### 570.308-4 Responsibility determinations.

(a) The contracting officer shall make a determination that the prospective awardee is responsible with respect to the lease being considered. The contracting officer's signature on the contract is deemed to be an affirmative determination. When an offeror is found to be nonresponsible, the contracting officer shall make, sign and place in the contract file a determination of nonresponsibility which shall state the basis for the determination.

(b) If a small business concern is found to be nonresponsible, the procedures at FAR 19.6 and 519.6 must be followed. All documents and reports supporting a determination of responsibility or nonresponsibility must be placed in the lease file.

#### 570.309 Award.

(a) An award will be made to the responsible offeror whose proposal is most advantageous to the Government considering price and other factors included in the SFO.

(b) Award will be made in writing within the timeframe specified in the SFO. If an award cannot be made within that time, the contracting officer shall request in writing from each offeror an extension of the acceptance period through a specific date.

(c) Unsuccessful offerors will be notified in writing or electronically within three days after the award. The first day of the three-day period is the

day following award; if the third day is not a full contracting activity workday, the third day will be the next full contracting activity workday.

(d) All proposals received in response to an SFO may be rejected if the head of the contracting activity or designee determines that such action is in the public interest.

#### 570.310 Debriefings.

(a) Unsuccessful offerors may request a debriefing by the agency, provided that said request is made in writing and is received by the agency within 3 days after the date on which the offeror received notice of the contract award.

(b) The agency shall debrief the offeror to the maximum extent practicable within 5 days after the request for the debriefing.

(c) The debriefing shall include, at a minimum:

(1) The agency's evaluation of the significant weak or deficient factors in the offeror's proposal;

(2) The overall evaluated cost and technical rating of the successful offeror's proposal and the proposal of the offeror requesting the debriefing;

(3) The overall ranking of all offers;

(4) A summary of the rationale for the award;

(5) Reasonable responses to relevant questions posed by the debriefed offeror as to whether source selection procedures set forth in the SFO, applicable regulations and other applicable authorities were followed.

(6) A summary of the debriefing shall be maintained in the contract file.

(d) The debriefing may not include point-by-point comparisons of the debriefed offeror's proposal with other proposals and may not disclose any information that is exempt from disclosure.

#### 570.311 Inspection.

The space must be inspected to ensure that it is in substantial compliance with the Government's requirements and specifications before acceptance by the contracting officer. The contract file must be documented accordingly.

52. Section 570.502 is amended by revising paragraphs (a), (b)(1), (b)(2), (b)(3)(ii) and (b)(3)(iii)(B) to read as follows:

#### 570.502 Succeeding leases.

(a) *General.* Succeeding leases for the continued occupancy of space in a building which do not exceed the simplified lease acquisition threshold may be acquired through use of the simplified procedures outlined in subpart 570.2. Absence of competition

must be explained in the contract file. Succeeding leases which exceed the simplified lease acquisition threshold may be entered into when a cost-benefit analysis has been conducted and the results indicate that an award to an offeror other than the present lessor would result in substantial relocation costs and duplication of costs to the Government that are not expected to be recovered through competition.

(b) *Procedure—(1) Publicizing/Advertising.* The contracting officer shall publish a notice in local newspapers and/or periodicals if required by 505.101(c). The notice should normally (i) indicate the Government's lease is expiring, (ii) describe the requirement in terms of type and quantity of space, (iii) indicate the Government is interested in considering alternative space if economically advantageous, (iv) advise prospective offerors that the Government will consider the cost of moving, alterations, etc., when deciding whether it should relocate, and (v) provide a contact person for those interested in providing space to the Government.

(2) *Market survey.* A market survey must be conducted in accordance with 570.301.

(3) \* \* \*

(i) \* \* \*

(ii) If potential acceptable locations are identified through the advertisement or market survey and relocation costs (including estimated moving costs, telecommunications costs, and the estimated cost of alterations, amortized over the firm term of the lease) will be low enough to allow recovery through a competitive process, the contracting officer should develop a SFO and negotiate with all interested parties in accordance with the procedures in subpart 570.3.

(iii) \* \* \*

(A) \* \* \*

(B) Develop an SFO and negotiate with all interested parties in accordance with the procedures in subpart 570.3.

53. Section 570.503 is amended by revising paragraphs (a), (b) introductory text and (c) to read as follows:

#### 570.503 Expansion requests.

(a) When the expansion space is within the general scope of the lease, the space may be acquired through a modification to the lease without further justification pursuant to FAR subpart 6.3.

(b) When the expansion space needed is outside the general scope of the lease, the contracting officer must determine whether it is more prudent to provide the expansion space by supplemental

agreement to the existing lease or to satisfy the requirement by competitive means. A market survey must be conducted to determine whether suitable alternative locations are available. If the market survey reveals alternate locations that can satisfy the total requirement, a cost-benefit analysis must be performed to determine whether it is in the Government's best interest to relocate. This analysis may include—

\* \* \* \* \*

(c) When the expansion space is outside the general scope of the lease, a justification must be prepared for approval in accordance with FAR subpart 6.3 and 506.3, except when competitive procedures or simplified lease acquisition procedures are used.

54. Section 570.504 is revised to read as follows:

**570.504 Superseding leases.**

(a) Consideration should be given to the execution of a superseding lease that would replace the existing lease when the changes or modifications to the space contemplated are so numerous or detailed as to cause complications, or they would substantially change the present lease.

(b) The justification and approval requirements in FAR subpart 6.3 and 506.3 must be complied with before negotiating a superseding lease if the value of the lease exceeds the simplified lease acquisition threshold. When the cost is less than or equal to the simplified lease acquisition threshold, the contracting officer may use simplified procedures outlined in 570.2 and explain the absence of competition in the file.

55. Section 570.505 is amended by revising paragraph (a) to read as follows:

**570.505 Lease extensions.**

(a) The justification and approval requirements in FAR subpart 6.3 and 506.3 must be complied with before negotiating a Supplemental Lease Agreement exceeding the simplified lease acquisition threshold to extend the term of the lease to provide for continued occupancy on a short term basis (usually not to exceed 1 year). For extensions valued less than or equal to the simplified lease acquisition threshold, the contracting officer must explain the absence of competition in the contract file.

\* \* \* \* \*

**570.602-1 [Amended]**

56. Section 570.602-1 is amended by removing the figure "\$25,000" and inserting "\$100,000" in paragraphs (a) and (b).

**570.602-2 [Amended]**

57. Section 570.602-2 is amended in paragraphs (e)(3) and (g) by removing the figure "\$25,000" and inserting "\$100,000."

58. Subpart 570.7 is revised to read as follows:

**Subpart 570.7—Solicitation Provisions and Contract Clauses**

Sec.

- 570.701 FAR provisions and clauses.
- 570.702 Solicitation provisions.
- 570.703 Contract clauses.
- 570.704 Use of provisions and clauses.

**570.701 FAR provisions and clauses.**

In addition to including solicitation provisions and contract clauses prescribed in the GSAR (48 CFR chapter 5), provisions and/or clauses substantially the same as the FAR provisions/clauses listed, shall be included in the circumstances indicated.

(a) All solicitations and contracts, regardless of the dollar value, must include the following provisions/clauses:

FAR part 52 cite	Title
52.204-3 52.233-1	Taxpayer Identification. Disputes.

(b) All solicitations and contracts which exceed \$1,000 must include the FAR clause at 52.232-23, Assignment of Claims.

(c) All solicitations and contracts which exceed \$2,500 must include the following provisions/clauses:

FAR part 52 cite	Title
52.219-2	Small Disadvantaged Business Concern Representation.
52.219-3	Women-Owned Small Business Representation.
52.222-36	Affirmative Action for Handicapped Workers.

(d) All solicitations and contracts which exceed \$10,000 must include the following provisions/clauses:

FAR part 52 cite	Title
52.222-21	Certification of Nonsegregated Facilities.
52.222-22	Previous Contracts and Compliance Reports.
52.222-25	Affirmative Action Compliance.
52.222-26	Equal Opportunity.
52.222-35	Affirmative Action for Special Disabled and Vietnam Era Veterans.
52.222-37	Employment Reports on Special Disabled Veterans and Veterans of the Vietnam Era.

(e) All solicitations and contracts which exceed \$25,000 must include the FAR clause at 52.209-6, Protecting the Government's Interests when Subcontracting with Contractors Debarred, Suspended, or Proposed for Debarment.

(f) All solicitations and contracts which exceed \$100,000 must include the following FAR provisions/clauses:

FAR part 52 cite	Title
52.203-9	Requirement for Certification of Procurement Integrity—Modification.
52.203-11	Certificate and Disclosure Regarding Payments to Influence Certain Federal Transactions.

(g) All solicitations and contracts for actions which exceed the simplified lease acquisition threshold must include the following FAR provisions/clauses:

FAR part 52 cite	Title
52.203-2	Certificate of Independent Price Determination.
52.203-7 52.209-5	Anti-Kickback Procedures. Certification Regarding Debarment, Suspension, Proposed Debarment, and Other Responsibility Matters.
52.215-1	Examination of Records by Comptroller General.
52.215-12	Restriction on Disclosure and Use of Data (Solicitations only).
52.219-8	Utilization of Small Business Concerns and Small Disadvantaged Business Concerns.
52.219-13	Utilization of Women-Owned Small Businesses.
52.223-5	Certification Regarding a Drug-Free Workplace.
52.233-2	Service of Protest (Solicitations only).

(h) All solicitations and contracts which exceed \$500,000 must include the deviations to the FAR clauses at 52.219-9, Small Business and Small Disadvantaged Business Subcontracting Plan, and 52.219-16, Liquidated Damages—Small Business Subcontracting Plan (see 519.708 (a) and (b)).

(i) Solicitations which exceed \$1 million must include the FAR provision at 52.222-24, Preaward On-site Equal Opportunity Compliance Review.

(j) When cost or pricing data is required for work or service exceeding \$500,000 the FAR clauses at 52.215-22, Price Reduction for Defective Cost or Pricing Data, and 52.215-24, Subcontractor Cost or Pricing Data, must



be included in solicitations and contracts.

(k) When the contracting officer determines that it is desirable to authorize the submission of facsimile proposals the solicitation must include the FAR provision at 52.215-18, Facsimile Proposals.

**570.702 Solicitation provisions.**

When a solicitation for offers is issued, the contracting officer should include provisions substantially the same as the following unless the contracting officer makes a determination that use of one or more of the provisions is not appropriate:

- (a) 552.270-1 Preparation of Offers.
- (b) 552.270-2 Explanation to Prospective Offerors.
- (c) 552.270-3 Late Submissions, Modifications, and Withdrawals of Offers. Alternate I should be used when the contracting officer decides that it is advantageous to the Government to allow offers to be submitted up to the exact time specified for receipt of best and final offers.
- (d) 552.270-4 Historic Preference.
- (e) 552.270-5 Lease Award.
- (f) 552.270-6 Parties to Execute Lease.

**570.703 Contract clauses.**

(a) The contracting officer shall insert the following clauses or clauses substantially the same as the following clauses in solicitations and contracts for leasehold interests in real property which exceed the simplified lease acquisition threshold unless the contracting officer makes a determination that use of one or more of the clauses is not appropriate. Use of the clauses is optional for those actions which fall at or below the simplified lease acquisition threshold.

- (1) 552.270-10 Definitions (Included if 552.270-28 is used).
- (2) 552.270-11 Subletting and Assignment.
- (3) 552.270-12 Maintenance of Building and Premises—Right of Entry.
- (4) 552.270-13 Fire and Casualty Damage.
- (5) 552.270-15 Compliance with Applicable Law.
- (6) 552.270-16 Inspection—Right of Entry.
- (7) 552.270-17 Failure in Performance.
- (8) 552.270-18 Successors Bound.
- (9) 552.270-19 Alterations.
- (10) 552.270-20 Proposals for Adjustment.
- (11) 552.270-21 Changes.
- (12) 552.270-25 Adjustment for Vacant Premises.
- (13) 552.270-27 Delivery and Condition.

- (14) 552.270-28 Default in delivery—Time Extensions.
  - (15) 552.270-30 Progressive Occupancy.
  - (16) 552.270-31 Payment.
  - (17) 552.270-32 Effect of Acceptance and Occupancy.
  - (18) 552.270-33 Default by Lessor During the Term.
  - (19) 552.270-34 Subordination, Nondisturbance and Attornment.
  - (20) 552.270-35 Statement of Lease.
  - (21) 552.270-36 Substitution of Tenant Agency.
  - (22) 552.270-37 No Waiver.
  - (23) 552.270-38 Integrated Agreement.
  - (24) 552.270-39 Mutuality of Obligation
  - (25) 552.270-40 Asbestos and Hazardous Waste Management.
  - (26) 552.270-41 Acceptance of Space.
- (b) The contracting officer shall insert the clause at 552.270-22, Liquidated Damages, in solicitations and contracts for leasehold interests in real property when there is a critical requirement that the delivery date be met and an actual cost cannot be established for the loss to the Government resulting from late delivery.

**570.704 Use of provisions and clauses.**

The omission of any provision or clause when its prescription requires its use constitutes a deviation which must be approved under subpart 501.4. Approval may be granted to deviate from provisions or clauses that are mandated by statute (e.g., (GSAR) 48 CFR 552.203-5, Covenant Against Contingent Fees, FAR 52.215-1, Examination of Records by the Comptroller General, etc.) in order to modify the language of the provision or clause, when permitted by the statute. However, the statutory provisions and clauses may not be omitted from the SFO unless the statute provides for waiving the requirements of the provision or clause.

**Subpart 570.8—Forms Used for Contracting for Leasehold Interests in Real Property**

59. Section 570.801 is revised to read as follows:

**570.801 Standard forms.**

Standard Form 2, U.S. Government Lease for Real Property, should be used to award leases unless GSA Form 3626 is used. When the Standard Form 2 is used, reference to the Standard Form 2-A in paragraph 7 must be deleted.

60. Section 570.802 is revised to read as follows:

**570.802 GSA forms.**

(a) The GSA Form 3626, U.S. Government Lease for Real Property (Short Form), may be used to award leases when the simplified leasing procedures in 570.2 are used or when the Contracting Officer finds its use to be advantageous.

(b) GSA Form 276, Supplemental Lease Agreement, should be used to amend existing leases that involve the acquisition of additional space or partial release of space, revisions in the terms of a lease, restoration settlements, and alterations.

(c) GSA Form 1364, Proposal To Lease Space to the United States of America, may be used to obtain offers from prospective offerors.

Dated: August 3, 1995.

**Ida M. Ustad,**

*Associate Administrator for Acquisition Policy.*

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**48 CFR Parts 503, 504, 505, 507, 510, 512, 513, 514, 515, 523, 528, 529, 532, 536, 543, and 546**

[APD 2800.12A, CHGE 66]

RIN 3090-AF76

**General Services Administration Acquisition Regulation; Implementing Federal Acquisition Circular (FAC 90-29)**

**AGENCY:** Office of Acquisition Policy, GSA.

**ACTION:** Final rule.

**SUMMARY:** The General Services Administration Acquisition Regulation (GSAR) is amended to conform to the Federal Acquisition Regulation (FAR) as amended by Federal Acquisition Circular (FAC) 90-29 which amended the FAR to address the use of electronic commerce/electronic data interchange in Government contracting and to implement the new simplified acquisition procedures and Federal Acquisition Computer Network (FACNET) requirements of the Federal Acquisition Streamlining Act (FASA) of 1994. In addition, GSA Form 3519 is deleted and the 3186A has been revised to read "Order for Supplies or Services (Simplified Acquisition)." The intended effect is to provide guidance to contracting personnel that is consistent with the FAR as amended by FAC 90-29, which was issued as an interim rule effective July 3, 1995.