



GSA Office of Governmentwide Policy

7/26/2024

Class Deviation CD-2024-06

MEMORANDUM FOR PBS LEASING CONTRACTING ACTIVITIES

FROM: JEFFREY A. KOSES
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OFFICE OF ACQUISITION POLICY (MV)

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Jeffrey A. Koses
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SUBJECT: GSAR Class Deviation - Leasing Historic Preference Provision

1. Purpose.

This memorandum approves a class deviation to the General Services Administration Regulation (GSAR) at 552.270 to provide updated provision language regarding historic preference for lease procurements.

This deviation is amending the GSAM policy on lease contracts to maintain consistency with the GSAR and to clarify, update and incorporate existing lease guidance previously implemented through internal Public Building Service (PBS) policies.

2. Background.

Lease Acquisition Circular LAC-2012-02, issued by the PBS Office of Leasing on June 1, 2012, revised certain lease clauses and paragraphs for purposes of the PBS Lease Reform Initiative. These clauses and paragraphs, which have been subsequently updated through multiple Office of Leasing policy changes since 2012, are not in alignment with GSAR part 570.

On August 7, 2023, the National Office of Leasing submitted a business case in accordance with GSAM 501.404, Class Deviations, to revise GSAR 552.270-2, Historic Preference, to align to PBS's current policy. Primary changes include an updated description of the measurement standard for the price evaluation preference for historic properties. Other editorial changes were identified to increase clarity for industry.

Pursuant to GSAM 501.404, this class deviation aligns the following updated leasing paragraph for compliance with the GSAR.:

Leasing Paragraph Title	Last Revision by Leasing	GSAR Provision Title	Last Revision by GSAR
Historic Preference	Sep 2013	GSAR 552.270-2, Historic Preference.	Sep 2004

3. Authority.

This class deviation is issued under the authority of General Services Administration Acquisition Manual (GSAM) 501.404.

4. Applicability.

This class deviation applies as follows:

New Solicitations:

The updated provision must be included in all new solicitations.

Existing Leases

Since this deviation is for a provision, there is no effect on existing leases.

Updating Leasing Templates

The PBS Office of Leasing will update the leasing templates to reflect the updated provision. In addition, the PBS Office of Leasing will work expeditiously to revise relevant guides and resources (e.g., Leasing Alerts (LA), Leasing Desk Guide (LDG)).

5. Deviation.

See Attachment A for the changes in the GSAR text as revised by this class deviation. Attachment B reflects a “clean” version of the deviated GSAR text.

6. Effective Date.

This deviation is effective immediately and remains in effect until rescinded or incorporated into the GSAR.

7. Point of Contact.

Any questions regarding this deviation may be directed to Amy Lara, GSA Acquisition Policy Division, at GSARPolicy@gsa.gov.

Attachments Attachment A – GSAR Text, Line-In/Line-Out
 Attachment B – GSAR Text, Clean Version

**Class Deviation CD-2024-06
Attachment A**

GSAR Text, Line-In/Line-Out

GSAR Baseline: Change 183 effective 07/08/2024

- Additions to baseline made by proposed rule are indicated by **[bold text in brackets]**
- Deletions to baseline made by proposed rule are indicated by ~~strike throughs~~
- Five asterisks (*****) indicate that there are no revisions between the preceding part and/or subpart, and following section
- Three asterisks (***) indicate that there are no revisions between the material shown within a section or subsection

PART 552 - SOLICITATION PROVISIONS AND CONTRACT CLAUSES

Subpart 552.000 Scope of part.

Subpart 552.2 Text of Provisions and Clauses

552.270-2 Historic Preference

As prescribed in 570.702, insert the following provision:

Historic Preference [(DATE) (DEVIATION)] (~~SEP 2004~~)

(a) The Government will give preference to offers of space in historic properties **[and historic districts]** following this hierarchy of consideration:

- (1) Historic properties within historic districts.
- (2) Non-historic developed **[sites]** and non-historic undeveloped sites within historic districts.
- (3) Historic properties outside of historic districts.

(b) *Definitions.* **[add line space]**

(1) *Determination of eligibility* means a decision by the Department of the Interior that a district, site, building, structure or object meets the National Register criteria for evaluation although the property is not formally listed in the National Register ([36 CFR 60.3\(c\)](#)).

(2) *Historic district* means a geographically definable area, urban or rural, possessing a significant concentration, linkage, or continuity of sites, buildings, structures, or objects united by

past events or aesthetically by plan or physical development. A district may also comprise individual elements separated geographically but linked by association or history ([36 CFR 60.3\(d\)](#)). The historic district must be included in or be determined eligible for inclusion in the National Register of Historic Places.

(3) *Historic property* means any **[prehistoric]** ~~pre-historic~~ or historic district, site, building, structure, or object included in or been determined eligible for inclusion in the National Register of Historic Places maintained by the Secretary of the Interior ([36 CFR 800.16\(l\)](#)).

(4) *National Register of Historic Places* means the National Register of districts, sites, buildings, structures and objects significant in American history, architecture, archeology, engineering and culture that the Secretary of the Interior is authorized to expand and maintain under the National Historic Preservation Act ([36 CFR 60.1](#)).

(c) The offer of space must meet the terms and conditions of this solicitation. The Contracting Officer has discretion to accept alternatives to certain architectural characteristics and safety features defined elsewhere in this solicitation to maintain the historical integrity of an historic building, such as high ceilings and wooden floors, or to maintain the integrity of an historic district, such as setbacks, floor-to-ceiling heights, and location and appearance of parking.

(d) When award will be based on the lowest price technically acceptable source selection process, the Government will give a price evaluation preference, based on the total annual **[ANSI/BOMA Occupant Area (ABOA) square feet (SF) present value]** ~~square-foot (ANSI/BOMA Office Area)~~ cost to the Government, to historic properties as follows:

(1) First~~[,]~~ to suitable historic properties within historic districts, a 10 percent price preference.

(2) If no suitable historic property within an historic district is offered, or the 10 percent preference does not result in such property being the lowest price technically acceptable offer, the Government will give a 2.5 percent price preference to suitable non-historic developed or undeveloped sites within historic districts.

(3) If no suitable non-historic developed or undeveloped site within an historic district is offered, or the 2.5 percent preference does not result in such property being the lowest price technically acceptable offer, the Government will give a 10 percent price preference to suitable historic properties outside of historic districts.

(4) Finally, if no suitable historic property outside of historic districts is offered, no historic price preference will be given to any property offered.

(e) When award will be based on the best value tradeoff source selection process, which permits tradeoffs among price and non-price factors, the Government will give a price evaluation preference, based on the total annual **[ABOA SF present value]** ~~square-foot (ANSI/BOMA Office Area)~~ cost to the Government, to historic properties as follows:

(1) First[,] to suitable historic properties within historic districts, a 10 percent price preference.

(2) If no suitable historic property within a historic district is offered or remains in the competition, the Government will give a 2.5 percent price preference to suitable non-historic developed or undeveloped sites within historic districts.

(3) If no suitable non-historic developed or undeveloped site within an historic district is offered or remains in the competition, the Government will give a 10 percent price preference to suitable historic properties outside of historic districts.

(4) Finally, if no suitable historic property outside of historic districts is offered, no historic price preference will be given to any property offered.

(f) The Government will compute price evaluation preferences by reducing the price(s) of the offerors qualifying for a price evaluation preference by the applicable percentage provided in this provision. The price evaluation preference will be used for price evaluation purposes only. The Government will award a contract in the amount of the actual price(s) proposed by the successful offeror and accepted by the Government.

(g) To qualify for a price evaluation preference, offerors must provide satisfactory documentation in their offer that their property qualifies as one of the following:

- (1) ~~[A]~~ historic property within ~~[a]~~ historic district.
- (2) A non-historic developed or undeveloped site within ~~[a]~~ historic district.
- (3) ~~[A]~~ historic property outside of ~~[a]~~ historic district.

(End of provision)

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**Class Deviation CD-2024-06
Attachment B**

GSAR Text, Clean Version

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(End of provision)

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