

LA-22-01 Attachment 3: Revised Lease Language

Changes are noted in **yellow highlights**

ACTION REQUIRED: THE FOLLOWING PARAGRAPH, WHICH ADDRESSES "PREVAILING WAGES" REQUIREMENTS UNDER THE DAVIS-BACON ACT, IS MANDATORY WHEN DELIVERY SCHEDULES ARE LONG ENOUGH TO PERMIT SATISFACTION OF THE LEASE REQUIREMENTS THROUGH NEW CONSTRUCTION OR COMPLETE REHABILITATION OR RECONSTRUCTION OF AN EXISTING BUILDING. IF NO OFFERS OF NEW CONSTRUCTION OR COMPLETE REHABILITATION OR RECONSTRUCTION OF AN EXISTING BUILDING ARE RECEIVED, DELETE. THE OFFICIAL WEBSITE FOR OBTAINING WAGE DETERMINATIONS IS SAM.GOV.

NOTE: IN SITUATIONS WHERE THERE IS A QUESTION ABOUT APPLICABILITY, LCOS SHOULD CONSULT REGIONAL COUNSEL FOR GUIDANCE.

ACTION REQUIRED: WHEN INCLUDING THIS PARAGRAPH, ATTACH THE APPROPRIATE DEPARTMENT OF LABOR WAGE DETERMINATION FOR THE APPLICABLE GEOGRAPHICAL AREA. ANY SUBSEQUENT MODIFICATIONS TO DOL WAGE DETERMINATIONS MUST BE ISSUED AS AN AMENDMENT TO THE RLP.

NOTE: IF A CHANGE OCCURS TO THE WAGE DETERMINATION AFTER THE RECEIPT OF FINAL PROPOSAL REVISIONS BUT PRIOR TO LEASE AWARD, THE LCO MUST REOPEN NEGOTIATIONS TO ALLOW THE OFFEROR TO REVISE ITS PRICE. FOR CHANGES TO THE WAGE DETERMINATION AFTER LEASE AWARD, THE CIVILIAN BOARD OF CONTRACT APPEALS HAS HELD THAT MODIFICATIONS TO THE WAGE RATES ARE NOT REQUIRED TO BE IMPLEMENTED INTO EXISTING CONTRACTS POST AWARD EXCEPT WHERE A MISTAKE HAS BEEN MADE, E.G., NOT INCORPORATING ONE AT ALL, OR INSERTING THE WRONG DETERMINATION.

NOTE: IF NO OFFERS FOR NEW CONSTRUCTION OR COMPLETE REHABILITATION OR RECONSTRUCTION ARE RECEIVED BY THE DUE DATE FOR INITIAL OFFERS AND IF THE GSA FORM 3516 CONTAINS THE STANDARD LANGUAGE IN GSAM 552.2701(C)(2)(I) THAT STATES THAT THE GOVERNMENT WILL NOT CONSIDER OFFERS RECEIVED AFTER THE DUE DATE FOR INITIAL OFFERS, THE LCO MAY AMEND THE DRAFT LEASE TO DELETE THE "LABOR STANDARDS" PARAGRAPH AND ARE NOT REQUIRED TO UPDATE THE WAGE DETERMINATIONS. HOWEVER, IF THE GSA FORM 3516 CONTAINS THE ALTERNATE LANGUAGE FROM 552.2701(C)(2)(I) THAT ALLOWS THE GOVERNMENT TO CONSIDER OFFERS RECEIVED UP TO THE DUE DATE FOR FINAL PROPOSAL REVISIONS, GSA MUST KEEP THE "LABOR STANDARDS" PARAGRAPH IN THE DRAFT LEASE AND CONTINUE TO UPDATE THE WAGE DETERMINATIONS.

3.01 LABOR STANDARDS (JAN 2022)

If the Lessor proposes to satisfy the requirements of this Lease through the construction of a new Building or the complete rehabilitation or reconstruction of an existing Building, and the Government will be the sole or predominant tenant such that any other use of the Building will be functionally or quantitatively incidental to the Government's use and occupancy, the following FAR clauses shall apply to all work (including shell and TIs) performed prior to the Government's acceptance of space as substantially complete. Full text versions of these clauses are available upon request from the LCO. Full text versions are also available at [HTTPS://WWW.ACQUISITION.GOV/?Q=BROWSEFAR](https://www.acquisition.gov/?q=BROWSEFAR).

- 52.222-4 Contract Work Hours and Safety Standards Act—Overtime Compensation
- 52.222-5 Construction Wage Rate Requirements - Secondary Site of the Work
- 52.222-6 Construction Wage Rate Requirements
- 52.222-7 Withholding of Funds
- 52.222-8 Payrolls and Basic Records
- 52.222-9 Apprentices and Trainees
- 52.222-10 Compliance with Copeland Act Requirements
- 52.222-11 Subcontracts (Labor Standards)
- 52.222-12 Contract Termination—Debarment
- 52.222-13 Compliance with Construction Wage Rate Requirements and Related Regulations
- 52.222-14 Disputes Concerning Labor Standards
- 52.222-15 Certification of Eligibility
- 52.222-55 Minimum Wages for Contractor Workers Under Executive Order 14026
- 52.222-62 Paid Sick Leave Under Executive Order 13706