



SEP 29 2011

LAC-2011-13

MEMORANDUM FOR REGIONAL COMMISSIONERS, PBS  
REGIONAL REALTY SERVICES OFFICERS

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OFFICE OF LEASING - PR

SUBJECT: Update of Sustainability Lease Provisions and Revised Toilet Room  
Fixture Schedule

**1. Purpose.** This Lease Acquisition Circular (LAC) issues the following items:

- a. Revised language for the energy efficiency and conservation requirements in lease acquisitions to allow certain existing buildings up to 18 months to achieve an Energy Star® label;
- b. Clarification of the name of the document provided by offerors proposing new construction that shows the projected statement of energy performance and a revision of the deadline date for submission of that document to no later than the date of the first issuance of a permit for building construction;
- c. Revised specifications for electrical plug loads and plumbing fixtures;
- d. New "blue text" policy for certain document paragraphs, changing them from optional to mandatory;
- e. A new provision for utility consumption reporting by lessors;
- f. Revised specifications for the number of plumbing fixtures required in men's and women's restrooms whenever new construction or major renovation of restrooms is occurring; and
- g. A separate mandatory paragraph entitled "Plumbing Fixtures: Water Conservation" that specifies new maximum fixture flow rates and flush volumes tied to the Environmental Protection Agency's (EPA) WaterSense label.

**2. Background.**

- a. Energy Star® Section 435 of the Energy Independence and Security Act of 2007 (EISA) mandates that no Federal agency enter into a contract to lease space on or after December 19, 2010, for a building that has not earned the Energy Star® label in the

- b. most recent year, unless the space requirement is in compliance with specific exceptions provided in EISA.

If a building has less than a 50 percent average occupancy during the most recent year, it is ineligible to achieve the Energy Star® label until it has a 50 percent average occupancy for 12 consecutive months. This can disqualify energy-efficient buildings with extensive vacancy from eligibility for Government lease awards unless one of the statutory exceptions applies. To address this situation, the Energy Star® requirement in lease acquisition is modified to allow up to 18 months (from the Government's occupancy) to achieve the label for buildings with greater than 50 percent vacancy that can produce specified evidence of a capability to achieve an Energy Star® label.

If the offeror, (pursuant to one of the allowed scenarios), uses EPA's Target Finder tool, the offeror must provide a Statement of Energy Design Intent (SEDI) reflecting a score of 75 or higher and must also get a Designed to Earn the Energy Star certification. To minimize the cost to offerors, the date for submission of the SEDI and the Designed to Earn the Energy Star certification for lease construction is changed to no later than the date of the first issuance of a permit for building construction.

- c. Plug Load. The Office of Real Estate Acquisition completed an evaluation of electrical distribution requirements in leases to determine if changes could be made to make them more sustainable. The evaluation included a review of actual usage in select federally owned buildings with advanced utility meters, and also obtained input from industry partners, developers, architects, client agencies, and other stakeholders. The evaluation determined that an electrical distribution requirement for plug loads, (that is, not including lighting and plumbing mechanical infrastructure loads), of 7 watts per ANSI/BOMA square foot is excessive when compared to utilization rates in most office occupancies. Accordingly, a more appropriate electrical distribution requirement for plug loads would be 4 watts per ANSI/BOMA square foot, and this change is incorporated into the Tenant Improvement–Solicitation for Offerors (TI-SFO) and into the new lease reform model lease paragraphs entitled “Electrical: Distribution.”

Note that where a client agency's mission requires a higher plug load (such as laboratories, command centers, and data centers) the agency's specific requirements for such higher plug loads must be identified early and specified in the SFO or RLP with the reference that the specific agency requirements supersede the general requirements of the Electrical Distribution paragraphs. Such client agency-driven upgrades to the building shell are considered TIs and therefore separately priced from the building shell.

- d. Water Conservation. To reduce the consumption of water and further align plumbing requirements with sustainability goals, a mandatory paragraph is added to the TI-SFO and lease reform documents. The mandatory paragraph requires the replacement of noncompliant plumbing fixtures with specified water-efficient rated fixtures where the Government leases an entire floor (and out-of-date plumbing fixture specifications are being eliminated from the “Toilet Rooms: Fixture Schedule” paragraphs). Only lease extensions and evaluated renewal options are exempted from this requirement to update plumbing fixtures at the commencement of leases for full floor occupancies.

Additionally, whenever new or replacement plumbing fixtures are required, they must conform to these new low flow and flush specifications.

- e. Mandatory Paragraphs. Per GSA's Strategic Sustainability Performance Plan (SSPP) PBS reports quarterly to OMB on the percentage of leased inventory considered to be green leases. A green lease, defined for this purpose, is a lease that is either:
- in a building that has been certified to meet the requirements of a multi-attribute green building standard or rating system developed by an ANSI/BOMA-accredited organization (such as LEED® or Green Globes®);
  - a lease in space that is certified as LEED® for Commercial Interiors (LEED®-CI); or
  - a lease containing all applicable green lease paragraphs.

To produce more green leases, the following paragraphs are changed from optional to mandatory use:

- Wall Finishes (Wall Finishes-TI in the new lease reform models),
  - Mechanical, Electrical, Plumbing – General (Systems Commissioning in the new lease reform models),
  - Indoor Air Quality,
  - Environmentally Preferable Building Products and Materials, and
  - Carpet (Carpet: Broadloom or Carpet Tile in the TI-SFO; Floor Coverings and Perimeter –TI in the new lease reform models).
- f. Utility Consumption Reporting. To comply with section 9 of Executive Order 13514, a new paragraph entitled "Utility Consumption Reporting" is added as a mandatory paragraph. The new paragraph must be included in all new leases. This paragraph will require regular quarterly reporting (in monthly detail) by lessors of all utilities consumed at a building where the Government leases space (or the building complex if the entire complex is served by only one meter per utility service).
- g. Toilet Fixture Schedule. The lease paragraph "Toilet Rooms: Fixture Schedule" in attachments 6 and 7, provides revised numbers of plumbing fixtures in men's and women's restrooms whenever new construction or major renovation of a restroom is occurring.

Leasing specialists must incorporate these changes to all the above paragraphs in the TI-SFO, eLease, and to the lease reform documents contained in Quickr (<https://workspaces.gsa.gov>).

3. **Effective Date**. Date of issuance. This LAC and instructions are effective immediately and will remain in effect until modified or canceled.
4. **Applicability**. This LAC applies to all GSA real property leasing activities and to activities delegated by GSA to other Federal agencies.

5. **Cancellation.** None.

6. **Policies and Procedures.** The paragraphs identified in the attachments must be included in the prescribed lease acquisition document as detailed in the attachment for all TI-SFOs, RLPs, and leases issued on or after the effective date of this LAC. The new paragraphs are not applicable when exercising an evaluated renewal option. A Leasing Desk Guide appendix will incorporate all TI-SFO, RLP, and lease paragraphs.

Attachment 1 – Revised TI-SFO Paragraphs: Energy Efficiency and Conservation and Energy Efficiency and Conservation for New Construction

Attachment 2 – Revised RLP Paragraph (all Lease Reform Models): Energy Independence and Security Act

Attachment 3 – Revised TI-SFO Paragraph: Green Lease Submittals

Attachment 4 – Revised RLP Paragraph (all Lease Reform Models): Building and Site Information

Attachment 5 – New Lease Clause (TI-SFO and all Lease Reform Models): Utility Consumption Reporting

Attachment 6 – Revised TI-SFO Paragraph: Toilet Rooms: Fixture Schedule

Attachment 7 – Revised Lease Paragraph: Toilet Rooms (Lease Reform Models: Simplified, Streamlined, Succeeding/Superseding, and Standard)

Attachment 8 – New Lease Clause (TI-SFO and all Lease Reform Models): Plumbing Fixtures: Water Conservation

**Revised Tenant Improvement–Solicitation for Offers (TI-SFO) Paragraphs, entitled  
“Energy Efficiency and Conservation” and “Energy Efficiency and Conservation  
for New Construction”**

ONE OF THE FOLLOWING PARAGRAPHS, ENERGY EFFICIENCY AND CONSERVATION OR ENERGY EFFICIENCY AND CONSERVATION FOR NEW CONSTRUCTION, IS MANDATORY IN ALL TI-SFOS. PARAGRAPHS MAY BE ALTERED BUT MUST CONTAIN SUBSTANTIALLY THE SAME INFORMATION.

USE THE ENERGY EFFICIENCY AND CONSERVATION PARAGRAPH UNLESS A NEWLY CONSTRUCTED BUILDING IS THE ONLY SOLUTION THAT WILL MEET THE CUSTOMER AGENCY’S NEEDS. IN THAT CASE USE ENERGY EFFICIENCY AND CONSERVATION FOR NEW CONSTRUCTION.

**ENERGY EFFICIENCY AND CONSERVATION (SEP 2011)**

A. Existing buildings must have earned the Energy Star label in the most recent year and show proof of it no later than the due date for final proposal revisions, unless the offered space meets one of the statutory exceptions listed below. All new construction (defined as buildings specifically built as a result of the Government’s lease) shall achieve an Energy Star label within 18 months after occupancy by the Government. In addition, offerors of the following buildings shall also have up to 18 months after occupancy by the Government, or as soon thereafter as the building is eligible for Energy Star consideration, to achieve an Energy Star label:

1. All existing buildings that have had an Energy Star label but are unable to obtain a label in the most recent year (i.e., within 12 months prior to the due date for final proposal revisions), because of insufficient occupancy.
2. Newly built buildings that have used Energy Star’s Target Finder tool and either achieved a “Designed to Earn the Energy Star” certification or received an unofficial score (in strict adherence to Target Finder’s usage instructions, including the use of required energy modeling) of 75 or higher prior to the due date for final proposal revisions and that are unable to obtain a label in the most recent year because of insufficient occupancy.
3. An existing building that is unable to obtain a label because of insufficient occupancy but that can produce an indication, through the use of energy modeling or past utility and occupancy data input into Energy Star’s Portfolio Manager tool or Target Finder, that it can receive an unofficial score of 75 or higher using all other requirements of Target Finder or Portfolio Manager, except for actual data from the most recent year.

The Offeror is encouraged to include shared savings in the offer as a result of energy upgrades where applicable. ENERGY STAR tools and resources can be found at the <http://WWW.ENERGYSTAR.GOV> Web site. The term “most recent year” means that the date of award of the Energy Star label by EPA must not be more than 1 year prior to the due date for final proposal revisions. For example, an Energy Star label awarded by EPA on October 1, 2010, is valid for all lease procurements where final proposal revisions are due on or before September 30, 2011.

B. To earn the Energy Star label, a building owner or representative must follow the instructions on the Energy Star Web site at [HTTP://WWW.ENERGYSTAR.GOV/ESLABEL](http://WWW.ENERGYSTAR.GOV/ESLABEL).

C. EXCEPTIONS. The Energy Independence and Security Act of 2007 (EISA) allows a Federal agency to lease space in a building that does not have an Energy Star label if:

1. No space is offered in a building with an Energy Star label in the delineated area that meets the functional requirements of an agency, including location needs;
2. The agency will remain in a building it currently occupies;
3. The lease will be in a building of historical, architectural, or cultural significance listed or eligible to be listed on the National Register of Historic Places; or
4. The lease is for 10,000 rentable square feet or less.

**D. REQUIREMENTS FOR ALL BUILDINGS EXCEPTED FROM AN ENERGY STAR LABEL.**

1. If an Energy Star label building is not offered or an exception is met in accordance with subparagraph C above, the successful Offeror must, nevertheless, agree to renovate the building (prior to the Government's acceptance of the space except in the case of a succeeding or superseding lease where the successful Offeror shall have up to 12 months from the date of lease award) for all energy efficiency and conservation improvements that would be cost effective over the firm term of the lease. If no improvements are proposed, the Offeror must demonstrate to the Government using the Energy Star® Online Tools in the below RLP subparagraph entitled "Energy Star Online Tools" why no energy efficiency and conservation improvements are cost effective. If such explanation is unreasonable, the offer may be considered technically unacceptable.
2. Such improvements may consist of, but are not limited to, the following:
  - a. Heating, Ventilating, and Air Conditioning (HVAC).
  - b. Lighting Improvements.
  - c. Building Envelope Modifications.

Additional information can be found on [WWW.GSA.GOV/LEASING](http://WWW.GSA.GOV/LEASING) under "Green Leasing."

3. The term "cost effective" means an improvement that will result in substantial operational cost savings to the landlord by reducing electricity or fossil fuel consumption, water, or other utility costs. The term "operational cost savings" means a reduction in operational costs to the landlord through the application of building improvements that achieve cost savings over the firm term of the lease sufficient to pay the incremental additional costs of making the building improvements.
4. If the offered space meets one of the statutory exceptions identified above, but the successful Offeror obtains the Energy Star label prior to occupancy (or no later than 1 year after signing the lease for succeeding and superseding leases), the lessor is not required to renovate such space for the energy efficiency and conservation improvements that may have been agreed to in the lease.

**E. IMPROVEMENTS SCHEDULE.** All improvements must be accomplished according to the following schedule:

1. With the exception of succeeding or superseding leases, the improvements must be completed prior to occupancy.
2. For succeeding and superseding leases, the improvements must be completed no later than 1 year after signing the lease.

**F. ENERGY STAR ONLINE TOOLS.** To earn the ENERGY STAR label, a building owner or representative must follow the instructions on the Energy Star Web site at [HTTP://WWW.ENERGYSTAR.GOV/ESLABEL](http://WWW.ENERGYSTAR.GOV/ESLABEL). The ENERGY STAR® Building Upgrade Manual and Building Upgrade Value Calculator are tools that can be helpful in considering energy efficiency and conservation improvements to buildings.

1. **ENERGY STAR® BUILDING UPGRADE MANUAL.** This manual provides information on planning and implementing profitable energy saving building upgrades. The ENERGY STAR® Building Upgrade Manual is available at: <http://www.energystar.gov/index>.
2. **BUILDING UPGRADE VALUE CALCULATOR.** The Building Upgrade Value Calculator, developed by the EPA, is a product of the partnership between Energy Star, BOMA International, and the BOMA Foundation. This calculator was developed as part of BOMA's Energy Efficiency Program (BEEP), a series of courses designed to help commercial real estate practitioners improve their buildings' energy efficiency performance. The calculator tool was developed to help property professionals assess the financial value of investments in a property's energy performance. The Building Upgrade Value Calculator estimates the financial impact of proposed investments in energy efficiency in office properties. The calculations are based on data input by the user, representing scenarios and conditions present at their properties. The Building Upgrade Value Calculator is available on the Energy Star Web site at [HTTP://WWW.ENERGYSTAR.GOV/FINANCIALEVALUATION](http://WWW.ENERGYSTAR.GOV/FINANCIALEVALUATION).

**G.** The Offeror may obtain a list of energy service companies qualified under the Energy Policy Act to perform Energy Savings Performance Contracts (ESPCs), as well as additional information on cost-effective energy efficiency, renewables, and water conservation. For the ESPC-qualified list, refer to the Federal Energy Management Program (FEMP) Web site at [www.eere.energy.gov/femp](http://www.eere.energy.gov/femp) or call the FEMP Help Desk at 1-877-337-3463.

**H.** The Offeror is encouraged to include shared savings in the offer as a result of energy upgrades where applicable.

**F.** The Offeror is encouraged to purchase at least 50 percent of the Government tenant's electricity from renewable sources.

USE THE FOLLOWING PARAGRAPH WHEN A NEWLY CONSTRUCTED BUILDING IS THE ONLY SOLUTION THAT WILL MEET THE CUSTOMER AGENCY'S NEEDS.

**ENERGY EFFICIENCY AND CONSERVATION FOR NEW CONSTRUCTION (SEP 2011)**

- A. All new construction shall achieve an Energy Star® label within 18 months after occupancy by the Government.
- B. To earn the Energy Star® label, a building owner or representative must follow the instructions on the Energy Star Web site at [HTTP://WWW.ENERGYSTAR.GOV/ESLABEL](http://www.energystar.gov/eslabel).
- C. Prior to the issuance of a permit for building construction all new construction shall obtain a Statement of Energy Design Intent (SEDI) using Energy Star's Target Finder tool reflecting an Energy Star® benchmark score of 75 or higher and a "Designed to Earn the Energy Star" certification.
- D. The Offeror is encouraged to purchase at least 50 percent of the Government tenant's electricity from renewable sources.

**RLP Paragraph, entitled "Energy Independence and Security Act" for all Lease Reform Models**

**MANDATORY PARAGRAPH  
ENERGY INDEPENDENCE AND SECURITY ACT (SEP 2011)**

A. The Energy Independence and Security Act of 2007 (EISA) establishes requirements for Government leases relating to energy efficiency standards and potential cost-effective energy efficiency and conservation improvements.

B. Unless one of the statutory exceptions listed in subparagraph C below applies, GSA may award a lease for a building only if the building has earned the ENERGY STAR® label conferred by the U.S. Environmental Protection Agency (EPA) within the most recent year prior to the due date for final proposal revisions. The term "most recent year" means that the date of award of the ENERGY STAR® label by EPA must not be more than 1 year prior to the due date of final proposal revisions. For example, an ENERGY STAR® label awarded by EPA on October 1, 2010, is valid for all lease procurements where final proposal revisions are due on or before September 30, 2011. In lieu of the above, all new buildings being specifically constructed for the Government must achieve an ENERGY STAR® label within 18 months after occupancy by the Government. In addition, offerors of the following buildings shall also have up to 18 months after occupancy by the Government, or as soon thereafter as the building is eligible for Energy Star consideration, to achieve an Energy Star label: 1) All existing buildings that have had an Energy Star label but are unable to obtain a label in the most recent year (i.e., within 12 months prior to the due date for final proposal revisions) because of insufficient occupancy; 2) Newly built buildings that have used Energy Star's Target Finder tool and either achieved a "Designed to Earn the Energy Star" certification or received an unofficial score (in strict adherence to Target Finder's usage instructions, including the use of required energy modeling) of 75 or higher prior to the due date for final proposal revisions and who are unable to obtain a label in the most recent year because of insufficient occupancy; 3) An existing building that is unable to obtain a label because of insufficient occupancy but that can produce an indication, through the use of energy modeling or past utility and occupancy data input into Energy Star's Portfolio Manager tool or Target Finder, that it can receive an unofficial score of 75 or higher using all other requirements of Target Finder or Portfolio Manager, except for actual data from the most recent year. ENERGY STAR tools and resources can be found at [WWW.ENERGYSTAR.GOV](http://WWW.ENERGYSTAR.GOV).

C. EISA allows a Federal agency to lease space in a building that does not have an ENERGY STAR® label if:

1. No space is offered in a building with an ENERGY STAR® label that meets RLP requirements, including locational needs;
2. The agency will remain in a building it currently occupies;
3. The lease will be in a building of historical, architectural, or cultural significance listed or eligible to be listed on the National Register of Historic Places; or
4. The lease is for 10,000 rentable square feet or less.

D. If one or more of the statutory exceptions listed in subparagraph C above applies, and the offered space is not in a building that has earned the ENERGY STAR® label within 1 year prior to the due date for final proposal revisions, Offerors are required to include in their lease proposal an agreement to renovate the building for all energy efficiency and conservation improvements that it has determined would be cost effective over the firm term of the lease, if any. Such improvements must be completed prior to the Government's acceptance of the space (or not later than 1 year after the Lease Award Date of a succeeding or superseding lease). Such improvements may consist of, but are not limited to, the following:

1. Heating, ventilating, and air conditioning (HVAC) upgrades, including boilers, chillers, and Building Automation System (BAS)/Energy Monitoring/Management Control System (EMCS).
2. Lighting improvements.
3. Building envelope modifications.

NOTE: Additional information can be found at <http://www.gsa.gov/leasing> under "Green Leasing."

E. The term "cost effective" means an improvement that will result in substantial operational cost savings to the landlord by reducing electricity or fossil fuel consumption, water, or other utility costs. The term "operational cost savings" means a reduction in operational costs to the landlord through the application of building improvements that achieve cost savings over the firm term of the lease sufficient to pay the incremental additional costs of making the building improvements.



F. Instructions for obtaining an ENERGY STAR® label are provided at <http://www.energystar.gov/eslabel> (use Portfolio Manager to apply). ENERGY STAR® tools and resources can be found at [www.energystar.gov](http://www.energystar.gov). The ENERGY STAR® Building Upgrade Manual (<http://www.energystar.gov/bldgmanual>) and Building Upgrade Value Calculator (<http://www.energystar.gov/financialevaluation>) are tools that can be useful in considering energy efficiency and conservation improvements to buildings.

G. If one or more of the statutory exceptions listed in subparagraph C above applies, and the offered space is not in a building that has earned the ENERGY STAR® label within 1 year prior to the due date for final proposal revisions, the successful Offeror will be excused from performing any agreed-to energy efficiency and conservation improvements if it obtains the Energy Star label prior to the Government's acceptance of the space (or not later than 1 year after the Lease Award Date for succeeding and superseding leases).

H. If no improvements are proposed, the Offeror must demonstrate to the Government using the ENERGY STAR® online tools why no energy efficiency and conservation improvements are cost effective. If such explanation is unreasonable, the offer may be considered technically unacceptable.

**Revised TI-SFO Paragraph, entitled "Green Lease Submittals"**

**THIS PARAGRAPH IS MANDATORY AND MAY BE ALTERED, INCLUDING THE DUE DATE FOR SUBMISSIONS IF SUFFICIENT TIME IS ALLOWED FOR OFFERORS TO PREPARE/OBTAIN DOCUMENTATION. ALTERED TEXT MUST CONTAIN SUBSTANTIALLY THE SAME INFORMATION. GREEN LEASE SUBMITTALS (SEP 2011)**

**A. NO LATER THAN THE DUE DATE FOR FINAL PROPOSAL REVISIONS, THE OFFEROR SHALL SUBMIT TO THE CONTRACTING OFFICER:**

1. If this SFO requires a LEED® Certification, the name of the proposed LEED® Accredited Professional (AP) team member and qualifications documentation for Integrative design practice.
2. Proof of the Energy Star label from EPA for the most recent year. For new construction, no later than the date of first issuance of a permit for building construction, a Statement of Energy Design Intent reflecting an Energy Star benchmark score of 75 or higher using Energy Star's Target Finder online tool reflecting an ENERGY STAR® benchmark score of 75 or higher and a certification from EPA of being Designed to Earn the Energy Star. Refer to "Energy Efficiency and Conservation" in the MECHANICAL, ELECTRICAL, PLUMBING section of this SFO.
3. If the offered building will not have an Energy Star label in accordance with one of the statutory exceptions listed in the "Energy Efficiency and Conservation" paragraph in the MECHANICAL, ELECTRICAL, PLUMBING section of this SFO, a written statement addressing which energy efficiency and conservation improvements can be made to the building must be submitted. If no improvements can be made, the offeror must demonstrate to the Government using the Energy Star online tools in the SFO paragraph, entitled "ENERGY EFFICIENCY AND CONSERVATION," why no energy efficiency and conservation improvements are cost effective. This explanation will be subject to review by the contracting officer. If the explanation is considered unreasonable, the offer may be considered technically unacceptable.
4. All existing buildings that have had an Energy Star label but are unable to obtain a label in the most recent year (i.e., within 12 months prior to the due date for final proposal revisions) because of insufficient occupancy, must provide evidence of a past label and occupancy status by the due date for final proposal revisions, and must provide an ENERGY STAR® label no later than 18 months after occupancy by the Government or as soon thereafter as the building is eligible for Energy Star consideration.
5. Newly built buildings that are unable to obtain an Energy Star® label solely because of insufficient occupancy that have used Energy Star's Target Finder tool and either achieved a "Designed to Earn the Energy Star" certification or received an unofficial score (in strict adherence to Target Finder's usage instructions, including the use of required energy modeling) of 75 or higher must provide such evidence prior to the due date for final proposal revisions and must provide an ENERGY STAR® label no later than 18 months after occupancy by the Government or as soon thereafter as the building is eligible for Energy Star® consideration.
6. An existing building that is unable to obtain a label because of insufficient occupancy but that can produce an indication, through the use of energy modeling or past utility and occupancy data input into Energy Star's® Portfolio Manager tool or Target Finder, that it can receive an unofficial score of 75 or higher using all other requirements of Target Finder or Portfolio Manager, except for actual data from the most recent year, must provide such evidence by the due date for final proposal revisions, and must provide an ENERGY STAR® label no later than 18 months after occupancy by the Government or as soon thereafter as the building is eligible for Energy Star consideration.

**B. AFTER AWARD, THE LESSOR SHALL SUBMIT TO THE CONTRACTING OFFICER:**

1. Product Data sheets for floor coverings, paints and wall coverings, ceiling materials, all adhesives, wood products, suite and interior doors, subdividing partitions, wall base, door hardware finishes, window coverings, millwork substrate and millwork finishes, lighting and lighting controls, and insulation to be used within the leased space. This information must be submitted NO LATER THAN the submission of the Design Intent Drawings for the leased space, as outlined in the "Construction Schedule and Acceptance of Tenant Improvements" paragraph of the DESIGN, CONSTRUCTION, AND OTHER POST AWARD ACTIVITIES section of this SFO.
2. Material Safety Data Sheets (MSDS) or other appropriate documents upon request for products listed in the "Indoor Air Quality During Construction" paragraph.

3. Reuse Plan required in accordance with the "Existing Fit-out, Salvaged, or Re-used Building Material" paragraph in the DESIGN, CONSTRUCTION, AND OTHER POST AWARD ACTIVITIES section of this SFO.
4. Any waiver needed when not using materials from the CPG and RMAN lists of acceptable products in accordance with the "Recycled Content Products" paragraph in the ARCHITECTURAL FINISHES section of the SFO.
5. Radon test results as may be required by the "Radon in Air" and "Radon in Water" paragraphs in the FIRE PROTECTION, LIFE SAFETY, AND ENVIRONMENTAL ISSUES section of the SFO.
6. Construction Waste Management Plan:  
Prior to construction commencement, a proposed plan following industry standards to recycle construction waste. The construction waste management plan shall quantify material diversion goals and maximize the materials to be recycled and/or salvaged (at least 50 percent) from construction, demolition, and packaging debris. Where the small quantity of material, the extraordinarily complex nature of the waste disposal method, or prohibitive expense for recycling would represent a genuine hardship, the Government, upon written request of the Lessor and approval of the contracting officer, may permit alternative means of disposal.
7. Building Recycling Service Plan:  
A building recycling service plan with floor plans annotating recycling area(s) as part of Design Intent Drawings to be reflected on the Construction Drawing submission.
8. A signed statement explaining how all HVAC systems serving the leased space will achieve the desired ventilation of the space during the flush-out period called for in the "Indoor Air Quality During Construction" paragraph in the DESIGN, CONSTRUCTION, AND OTHER POST AWARD ACTIVITIES section of this SFO.
9. In accordance with the incorporation of commissioning requirements called for in the "Mechanical, Electrical, Plumbing: General" paragraph in the MECHANICAL, ELECTRICAL, PLUMBING section of this SFO, a written commissioning plan submitted prior to the completion of Design Intent Drawings that includes:
  - a. A schedule of systems commissioning (revised as needed during all construction phases of the project, with such revisions provided to the contracting officer immediately); and
  - b. A description of how commissioning requirements will be met and confirmed.

**NOTE: SUBMITTAL REQUIREMENT 10 BELOW APPLIES TO ALL LEASE CONSTRUCTION PROJECTS OF 10,000 RENTABLE SQUARE FEET AND ABOVE AND TO AGENCIES REQUESTING USE OF LEED® FOR COMMERCIAL INTERIORS (LEED®-C). DELETE OTHERWISE.**

10. At completion of LEED® documentation and receipt of final certification, two electronic copies of all supporting documentation for certification on compact disk.
11. If renewable-source power is purchased, documentation must be provided within 9 months of occupancy.

**Revised RLP Paragraph, entitled "Building and Site Information," for All Lease Reform Models**

**BUILDING AND SITE INFORMATION (SEP 2011)**

The Offeror shall also submit with its offer the information concerning and documentation of the following:

- A. Satisfactory evidence of at least a conditional commitment of funds in an amount necessary to prepare the space. Such commitments shall be signed by an authorized bank officer, or other legally authorized financing official, and at a minimum shall state: amount of loan, term in years, annual percentage rate, and length of loan commitment.
- B. Evidence that the property is zoned in compliance with local zoning laws in a manner allowing the use contemplated by this RLP, including evidence of variances, if any, approved by the proper local authority, or the offeror's plan and schedule to obtain all necessary zoning approvals prior to performance if the same have not been received at the time of submission of offers.
- C. Evidence of ownership or control of site. If the Offeror owns the property being offered or has a long-term leasehold interest, a title report dated within 3 months of the date of the offer, evidencing the Offeror's stated interest in the property and any encumbrances on the property, shall be submitted.
- D. If the Offeror does not yet have a vested interest in the property, but rather has a written agreement to acquire an interest, then the Offeror shall submit a fully executed copy of the written agreement with its offer, together with a statement from the current owner that the agreement is in full force and effect and that the Offeror has performed all conditions precedent to closing. These submittals must remain current. The Offeror is required to submit updated documents as needed.
- E. If claiming a historic preference in accordance with the Historic Preference in Section IV, Basis of Award, the Offeror must submit one of the following as documentation that the property is historic or the site of the offered property is within a historic district: a letter from the National Park Service stating that the property is listed in the National Register of Historic Places or eligible for listing, with a date of the listing/decision; a letter from the State Historic Preservation Office stating that the property is listed in the National Register of Historic Places, or on a statewide register, or eligible for inclusion, with a date of the listing/decision; or, the National Register of Historic Places Identification Number and date of listing available from the National Register of Historic Places Database found at [www.nps.gov/nr](http://www.nps.gov/nr).
- F. If there is a potential for conflict of interest because of a single agent representing multiple owners, present evidence that the agent disclosed the multiple representation to each entity and has authorization from each ownership entity offering in response to this RLP package. Owners and agents in conflicting interest situations are advised to exercise due diligence with regard to ethics, independent pricing, and Government procurement integrity requirements. In such cases, the Government reserves the right to negotiate with the owner directly.
- G. The Offeror must have an active registration in the Central Contractor Registration (CCR) System (via the Internet at <http://www.ccr.gov>) prior to submission of revised final proposals.
- H. A completed GSA Form 12000 for Pre-lease Fire Protection and Life Safety Evaluation.
- I. A copy of the valid Certificate of Occupancy issued in jurisdictions that follow the International Building Code (IBC) or a copy of a report prepared by licensed fire protection engineer verifying the offered space meets or will be constructed to meet IBC and all applicable local codes and ordinances.
- J. For existing construction, submit either a certification or a commitment to deliver the space to the Government in accordance with the "Seismic Safety" paragraph of the RLP.
- K. A copy of pre-lease building security plan addressing offer compliance with lease security standards found in the attached lease document.
- L. Provide the legal description of the property and tax ID number(s) associated with the property, copies of prior year tax notices and prior year tax bills, as well as any other information (such as a fact sheet, 5" wide x 3" high or larger color photograph, site plan, location map, and tax parcel map) in case of multiple tax parcels for an offered building, and any other information that may affect the assessed value, in order for the Government to perform a complete and adequate analysis of the offered property. The Offeror is to provide a detailed overview and documentation of any tax abatements on the property as outlined in Real Estate Tax Adjustment" paragraph of the lease.

- M. A plan and short narrative as necessary to explain how the Offeror will meet the parking requirements
- N. If the offered building is not a modern office building, provide the architectural plans for modernization.
- O. If the offered building contains asbestos-containing materials, provide an asbestos management plan.
- P. First generation plans of the entire floor or floors for which space is being offered, including a plan of the floor of exit discharge, scaled at 1/8" = 1'-0" (preferred) or of the offered building(s) must be provided.
  1. All plans submitted for consideration shall include the locations of all exit stairs, elevators, and the space(s) being offered to the Government. In addition, where building exit stairs are interrupted or discontinued before the level of exit discharge, additional floor plans for the level(s) where exit stairs are interrupted or discontinued must also be provided.
  2. All plans submitted for consideration shall have been generated by a Computer Aided Design (CAD) program which is compatible with the latest release of AutoCAD. The required file extension is .DWG. Clean and purged files shall be submitted on CD-ROM. Plans shall include a proposed corridor pattern for typical floors and/or partial floors. The CAD file showing the offered space should show the Poly-Line utilized to determine the square footage on a separate and unique layer. All submissions shall be accompanied with a written matrix indicating the layering standard to verify that all information is recoverable. All architectural features of the space shall be accurately shown.
  3. Photostatic copies are not acceptable. All architectural features of the space shall be accurately shown. If conversion or renovation of the building is planned, alterations to meet this RLP shall be indicated.
  4. Plans shall reflect corridors in place or the proposed corridor pattern for both a typical full (single-tenant) floor and/or partial (multi-tenant) floor. The corridors in place or proposed corridors shall meet local code requirements for issuance of occupancy permits. If the offered space is above the first floor (or floor exiting at grade), provide plans for the first floor (or floor at grade) also.
  5. GSA will review all plans submitted to determine if an acceptable level of safety is provided. In addition, GSA will review the common corridors in place and/or proposed corridor pattern to determine whether these achieve an acceptable level of safety as well as to verify that the corridors provide public access to all essential building elements. The Offeror will be advised of any adjustments that are required to the corridors for determining the ABOA space. The required corridors may or may not be defined by ceiling-high partitions. Actual corridors in the approved layout for the successful Offeror's space may differ from the corridors used in determining the ABOA square footage for the lease award. Additional egress corridors required by the tenant agency's design intent drawings will not be deducted from the ABOA square footage that the most efficient corridor pattern would have yielded.
- Q. As provided in the "Amount and Type of Space" paragraph in the "Statement of Requirement" Section of the RLP, advise whether there are existing vending facilities in the offered building which have exclusive rights in the building.

**MANDATORY PARAGRAPH:**

**MUST USE WHEN USING THE LOCATION: CITY CENTER (AUG 2008) PARAGRAPH IN THE SUMMARY SECTION OF THIS RLP, OTHERWISE DELETE.**

- R. Provide evidence demonstrating amenities do or will exist by the Government's required occupancy date. Such evidence shall include copies of signed leases, construction contracts, or other documentation as deemed acceptable by the Contracting Officer.

**MANDATORY PARAGRAPH:**

- S. No later than the due date for final proposal revisions, the offeror must submit to the contracting officer:
  1. Evidence of an Energy Star® label obtained within the 12 months prior to the due date of final proposal revisions,
  2. Offerors falling under a statutory exception must also indicate by the due date for final proposal revisions what cost effective energy efficiency and conservation improvements they are proposing to make; and if no improvements are cost effective, the offeror shall so indicate and provide supporting evidence of the lack of any cost effective improvements,
  3. If the offeror is claiming eligibility for additional time to obtain the Energy Star® label per subparagraph B of the RLP paragraph entitled "Energy Independence and Security Act," then the offeror shall provide such indication with its initial offer and also must provide by the due date for final proposal revisions evidence substantiating their claim for additional time to obtain the Energy Star® label and substantiating their capability of earning the Energy Star®, or
  4. For new construction, the offeror need not submit anything regarding compliance with EISA by the date of final proposal revisions, but shall be required to produce prior to the issuance of a permit for building construction a Statement of Energy Design Intent (SEDI) using Energy Star's® Target Finder online tool reflecting an Energy Star® benchmark score of 75 or higher and a certification from EPA of being Designed to Earn the Energy Star®.

**MANDATORY PARAGRAPH:**

T. If the offered building will not have an ENERGY STAR® label in accordance with one of the statutory exceptions listed in the "Energy Efficiency and Conservation" paragraph, a written statement addressing which energy efficiency and conservation improvements can be made to the building must be submitted. If no improvements can be made, the Offeror must demonstrate to the Government using the ENERGY STAR® Online Tools in the RLP paragraph, entitled "ENERGY EFFICIENCY AND CONSERVATION," why no energy efficiency and conservation improvements are cost effective. This explanation will be subject to review by the contracting officer. If the explanation is considered unreasonable, the offer may be considered technically unacceptable.

**ACTION REQUIRED: THE BELOW PARAGRAPH "U" MUST BE USED FOR ALL LEASE CONSTRUCTION PROCUREMENTS OF 10,000 RSF OR MORE.**

U. For projects 10,000 RSF and above, a LEED®-NC Silver scorecard documenting the proposed Credits to meet Silver level. Along with the proposed scorecard, the Offeror shall submit a brief statement outlining how each of the credits proposed on the scorecard will be achieved.

V. From the entirety of available LEED Credits, the Offeror must achieve the following Credits on the project:

Water Efficiency	Credit 1.1	Water Use Reduction 50%
Energy & Atmosphere	Credit 3	Enhanced Commissioning
Materials and Resources	Credit 5.2	Regional Materials, 20% Manufactured Regionally
Indoor Environmental Quality	Credit 2	Increased Ventilation
Indoor Environmental Quality	Credit 3.2	Construction IAQ Management Plan, Before Occupancy
Innovation & Design	Credit 2	LEED® Accredited Professional

The Offeror must identify the USGBC LEED® Accredited Professionals (APs) as team members, including their roles throughout the project.

**ACTION REQUIRED: THE BELOW PARAGRAPH "W" MUST BE USED FOR AGENCIES REQUESTING USE OF LEED® FOR COMMERCIAL INTERIORS (LEED®-CI), BUT ONLY FOR THAT REQUIREMENT.**

V. LEED®-CI scorecard documenting the proposed credits to meet Silver level. Along with the proposed scorecard, the Offeror shall submit a brief statement outlining how each of the Credits proposed on the scorecard will be achieved.

X. From the entirety of available LEED Credits, the Lessor must achieve the following Credits on the project:

Water Efficiency	Credit 1.2	Water Use Reduction 30%
Energy & Atmosphere	Credit 1.1	Optimize Performance – Lighting Power
Energy & Atmosphere	Credit 1.3	Optimize Energy Performance- HVAC
Energy & Atmosphere	Credit 2	Enhanced Commissioning
Materials and Resources	Credit 5.1	Regional Materials 20% Manufactured Regionally
Indoor Environmental Quality	Credit 2	Increased Ventilation
Indoor Environmental Quality	Credit 3.2	Construction IAQ Management Plan, Before Occupancy
Innovation & Design	Credit 2	LEED® Accredited Professional

The Offeror must identify the USGBC LEED® accredited professionals (APs) as team members, including their roles throughout the project.

Y. If the Offeror requests any deviations, GSA at its sole discretion will make the decision whether to accept the deviation. If GSA agrees to any deviations in the General Clauses, other offerors will be advised of acceptable alternative(s). Any deviations must be requested prior to the request for Final Proposal Revisions.

**New Lease Clause (TI-SFO and All Lease Reform Models)**

**MANDATORY PARAGRAPH**

**Utility Consumption Reporting (SEP 2011)**

Upon request from the Contracting Officer or Contracting Officer's Representative, the Lessor shall provide regular quarterly reports of the amount of all utilities consumed at the building in monthly detail for the duration of the lease. These reports must be provided within 45 days of the end of each quarterly period and shall be in either written or electronic form, as requested by the Government. The reports shall contain the number of actual units consumed. If reports are available detailing only the Government's consumption, then the reports shall be limited solely to the Government's consumption. Additionally, said reports shall indicate, for each utility being reported, the use of the specific utility. For example, electricity consumption shall indicate if it includes heating or air conditioning, and if so, whether just diffusers or diffusers and heating are included in electricity consumption.

**Revised TI-SFO Paragraph entitled "Toilet Rooms: Fixture Schedule"**

OPTIONAL PARAGRAPH (MUST BE USED WHERE NEW CONSTRUCTION OR MAJOR RENOVATION OF A RESTROOM IS OCCURRING). MAY BE ALTERED BUT SHOULD CONTAIN SUBSTANTIALLY THE SAME INFORMATION.

**TOILET ROOMS: FIXTURE SCHEDULE (SEP 2011)**

A. **BUILDING SHELL:**

1. The toilet fixture schedule specified below shall be applied to each full floor based on one person for each 135 ANSI/BOMA Office Area square feet of office space in the quantities as shown in the following table:

ESTIMATED TOTAL NUMBER OF PEOPLE PER FLOOR			(WOMEN'S) WATER CLOSETS	(WOMEN'S) SINKS	(MEN'S) WATER CLOSETS	(MEN'S) URINALS	(MEN'S) SINKS
1	to	8	2	1	1	1	1
9	to	24	3	2	2	1	1
25	to	36	3	2	2	1	2
37	to	56	5	3	3	2	2
57	to	75	6	4	4	2	2
76	to	96	6	5	4	2	3
97	to	119	7	5	5	2	3
120	to	134	9	5	6	3	4
Above 135			3/40	1/24	1/20	1/40	1/30



**Revised Lease Paragraph entitled "Toilet Rooms": Lease Reform Models (Simplified, Streamlined, Succeeding/Superseding, and Standard Leases)**

**MANDATORY PARAGRAPH: NOTE: ONLY USE THE BELOW FIXTURE SCHEDULE TO CALCULATE THE NUMBER OF FIXTURES REQUIRED FOR BOTH MEN'S AND WOMEN'S RESTROOMS WHEN NEW CONSTRUCTION OR MAJOR RENOVATION OF A RESTROOM IS OCCURRING**

The toilet fixture schedule specified below shall be applied to each full floor based on one person for each 135 ANSI/BOMA Office Area square feet of office space in the quantities as shown in the following table:

ESTIMATED TOTAL NUMBER OF PEOPLE PER FLOOR			(WOMEN'S) WATER CLOSETS	(WOMEN'S) SINKS	(MEN'S) WATER CLOSETS	(MEN'S) URINALS	(MEN'S) SINKS
1	to	8	2	1	1	1	1
9	to	24	3	2	2	1	1
25	to	36	3	2	2	1	2
37	to	56	5	3	3	2	2
57	to	75	6	4	4	2	2
76	to	96	6	5	4	2	3
97	to	119	7	5	5	2	3
120	to	134	9	5	6	3	4
Above 135			3/40	1/24	1/20	1/40	1/30

**TOILET ROOMS (SEP 2011)**

A. Where new construction or major renovation of a restroom is occurring, the government requires xx water closets and xx sinks in each women's restroom and xx water closets, xx urinals and xx sinks in each men's restroom. These requirements supersede local code. If no new construction or major renovation of a restroom is occurring, compliance with local code is sufficient.

B. Separate toilet facilities for men and women shall be provided in accordance with local code or ordinances, on each floor occupied by the government in the building. The facilities shall be located so that employees will not be required to travel more than 200 feet on one floor to reach the toilets. Each toilet room shall have sufficient water closets enclosed with modern stall partitions and doors, urinals (in men's rooms), and hot water (set in accordance with applicable building codes) and cold water. Water closets and urinals shall not be visible when the exterior door is open.

C. Each main toilet room shall contain the following:

1. A mirror and shelf above the lavatory.
2. A toilet paper dispenser in each water closet stall that will hold at least two rolls and allow easy, unrestricted dispensing.
3. A coat hook on the inside face of the door to each water closet stall and on several wall locations by the lavatories.

4. At least one modern paper towel dispenser, soap dispenser, and waste receptacle for every two lavatories.
5. A coin-operated sanitary napkin dispenser in women's toilet rooms with a waste receptacle in each water closet stall.
6. A disposable toilet seat cover dispenser.
7. A counter area of at least 2 feet, 0 inches in length, exclusive of the lavatories (however, it may be attached to the lavatories) with a mirror above and a ground-fault, interrupter-type convenience outlet located adjacent to the counter area. The counter should be installed to minimize pooling or spilling of water at the front edge.
8. A floor drain.
9. For new installations and major renovations:
  - A. Toilet partitions shall be made from recovered materials as listed in EPA'S CPG.

## **New Lease Clause (TI-SFO and All Lease Reform Models)**

### **MANDATORY PARAGRAPH**

#### **PLUMBING FIXTURES: WATER CONSERVATION (SEP 2011)**

For new installations and whenever plumbing fixtures are being replaced (replacement is required prior to lease commencement in all instances of nonconformance where the Government occupies the full floor):

- A. Water closets must conform to EPA WaterSense or fixtures with equivalent flush volumes must be utilized.
- B. Urinals must conform to EPA WaterSense or fixtures with equivalent flush volumes must be utilized. Waterless urinals are acceptable.
- C. Faucets must conform to EPA WaterSense or fixtures with equivalent flow rates must be utilized.

Information on EPA WaterSense fixtures can be found at <http://www.epa.gov/watersense/>.