

# Subpart 570.7 - Solicitation Provisions and Contract Clauses

**Parent topic:** [Part 570 - Acquiring Leasehold Interests in Real Property](#)

## 570.701 FAR provisions and clauses.

Insert provisions or clauses substantially the same as the FAR provisions and clauses listed below.

<b>If . . .</b>	<b>Then include . . .</b>
(a) the estimated value of the acquisition exceeds the micro-purchase threshold identified in FAR 2.101	52.204-3 Taxpayer Identification. 52.204-6 Unique Entity Identifier. 52.204-7 System for Award Management. 52.219-1 Small Business Program Representations. 52.219-28 Post-Award Small Business Program Rerepresentation (use if lease term exceeds five years). 52.232-23 Assignment of Claims. 52.232-33 Payment by Electronic Funds Transfer-System for Award Management. 52.233-1 Disputes.
(b) the estimated value of the acquisition exceeds \$10,000	52.222-21 Prohibition of Segregated Facilities. 52.222-22 Previous Contracts and Compliance Reports. 52.222-25 Affirmative Action Compliance. 52.222-26 Equal Opportunity. 52.222-35 Equal Opportunity for Veterans. 52.222-36 Equal Opportunity for Workers with Disabilities. 52.222-37 Employment Reports on Disabled Veterans and Veterans of the Vietnam Era.
(c) the estimated value of the acquisition is \$25,000 or more (not applicable to individuals)	52.204-10 Reporting Executive Compensation and First-Tier Subcontract Awards.
(d) the estimated value of the acquisition exceeds the threshold identified in FAR 9.409(b)	52.209-6 Protecting the Government's Interest when Subcontracting with Contractors Debarred, Suspended, or Proposed for Debarment.
(e) the estimated value of the acquisition exceeds \$100,000	52.203-11 Certification and Disclosure Regarding Payments to Influence Certain Federal Transactions.

**If . . .**

**Then include . . .**

(f) the estimated value of the acquisition exceeds the simplified lease acquisition threshold	52.203-2 Certificate of Independent Price Determination. 52.203-7 Anti-Kickback Procedures. 52.204-5 Women-Owned Business (Other than Small Business). 52.209-5 Certification Regarding Responsibility Matters. 52.215-2 Audit and Records-Negotiation. 52.219-8 Utilization of Small Business Concerns. 52.223-6 Drug-Free Workplace. 52.233-2 Service of Protest.
(g) the estimated value of the acquisition exceeds the threshold identified in FAR 19.708(b)	52.219-9 Small Business Subcontracting Plan. 52.219-16 Liquidated Damages-Subcontracting Plan.
(h) the value of the contract is expected to exceed \$5 million and the performance period is 120 days or more	52.203-13 Contractor Code of Business Ethics and Conduct. 52.203-14 Display of Hotline Poster(s).
(i) the estimated value of the acquisition exceeds \$10 million	52.222-24 Pre-award On-site Equal Opportunity Compliance Evaluation.
(j) the contracting officer requires cost or pricing data for work or services exceeding the threshold identified in FAR 15.403-4	52.215-10 Price Reduction for Defective Certified Cost or Pricing Data. 52.215-12 Subcontractor Certified Cost or Pricing Data.
(k) the contracting officer authorizes submission of facsimile proposals	52.215-5 Facsimile Proposals.

## **570.702 GSAR solicitation provisions.**

Each SFO must include provisions substantially the same as the following, unless the contracting officer determines that the provision is not appropriate. The contracting officer shall document the file with the basis for omitting or substantially changing a provision.

552.270-1 Instructions to Offerors—Acquisition of Leasehold Interests in Real Property. Use the provision with its Alternate I if it is advantageous to the Government to allow offers to be submitted up to the exact time specified for award. Use the provision with its Alternate II if the Government intends to award without discussions.

552.270-2 Historic Preference.

552.270-3 Parties to Execute Lease.

## **570.703 GSAR contract clauses.**

(a) Insert clauses substantially the same as the following in solicitations and contracts for leasehold interests in real property that exceed the simplified lease acquisition threshold, unless the contracting officer determines that a clause is not appropriate. The contracting officer shall document the file with the basis for omitting or substantially changing a clause. A deviation is not required under section 570.704 to determine that a clause in this section is not appropriate. The following clauses may be inserted in solicitations and contracts for leasehold interests in real property at or below the simplified lease acquisition threshold.

552.215-70 Examination of Records by GSA.

552.270-4 Definitions. Insert this clause if including the clause at 552.270-28.

552.270-5 Subletting and Assignment.

552.270-6 Maintenance of Building and Premises—Right of Entry.

552.270-7 Fire and Casualty Damage.

552.270-8 Compliance with Applicable Law.

552.270-9 Inspection—Right of Entry.

552.270-10 Failure in Performance.

552.270-11 Successors Bound.

552.270-12 Alterations.

552.270-13 Proposals for Adjustment.

552.270-14 Changes.

- 552.270-15 Liquidated Damages. Insert this clause in solicitations and contracts if you have a critical requirement to meet the delivery date and you cannot establish an actual cost for the loss to the Government resulting from late delivery.
- 552.270-16 Adjustment for Vacant Premises.
- 552.270-17 Delivery and Condition.
- 552.270-18 Default in Delivery—Time Extensions.
- 552.270-19 Progressive Occupancy.
- 552.270-20 Payment.
- 552.270-21 Effect of Acceptance and Occupancy.
- 552.270-22 Default by Lessor During the Term.
- 552.270-23 Subordination, Nondisturbance and Attornment.
- 552.270-24 Statement of Lease.
- 552.270-25 Substitution of Tenant Agency.
- 552.270-26 No Waiver.
- 552.270-27 Integrated Agreement.
- 552.270-28 Mutuality of Obligation.
- 552.270-29 Acceptance of Space.

(b) Insert the following clauses in solicitations and contracts for leasehold interests in real property:

- 552.270-30 Price Adjustment for Illegal Improper Activity.
- 552.270-31 Prompt Payment.
- 552.270-32 Covenant Against Contingent Fees.

(c) Insert the representation clause at 552.270-33, Foreign Ownership and Financing Representation for High-Security Leased Space, in novations, solicitations and contracts for leased space that:

(1) Will be occupied by Federal employees for nonmilitary activities; and

(2) Has a facility security level of III, IV, or V.

(d) Insert the clause at 552.270-34 Access Limitations for High-Security Leased Space, in novations, solicitations and contracts for leased space that:

(1) Will be occupied by Federal employees for nonmilitary activities; and

(2) Has a facility security level of III, IV, or V.

## **570.704 Deviations to provisions and clauses.**

(a) The contracting officer needs a deviation approved under Subpart 501.4 to omit any required provision or clause.

(b) The contracting officer also needs an approved deviation to modify the language of a provision or clause mandated by statute (*e.g.*, FAR 52.215-2, Audit and Records—Negotiation). The authorizing statute must allow for a waiver.

(c) Certain clauses required by non-GSA regulations require approval of the issuing agency before the contracting officer can delete or modify them. For example, FARs 52.222-26, Equal Opportunity; 52.222-35, Affirmative Action for Disabled Veterans and Veterans of the Vietnam Era; and 52.222-36, Affirmative Action for Workers with Disabilities, require the approval of the Department of Labor's Office of Federal Contract Compliance Programs before they can be deleted from or modified in the SFO or lease.