



Individual Deviation Subcontracting Plan Requirements On-Airport Lease

LEASE NUMBER: GS-[]

PROJECT NUMBER: [REXUS Project Number]

Agency Name: [Agency]

1. IDENTIFICATION AND DESCRIPTION OF ACTION BEING APPROVED.

The General Services Administration is seeking to lease [amount of space] ANSI BOMA Office Area square feet (ABOA) at [airport name] for the [agency], to be located at [name and address of on-airport property]. Approval is requested to deviate from the small business subcontracting requirements under GSAR 570.203-4(e), including the removal of the following clauses from GSA Form 3517:

52.219-8 UTILIZATION OF SMALL BUSINESS CONCERNS
52.219-9 SMALL BUSINESS SUBCONTRACTING PLAN
52.219-16 LIQUIDATED DAMAGES—SUBCONTRACTING PLAN
552.219-73 GOALS FOR SUBCONTRACTING PLAN

2. IDENTIFICATION OF AUTHORITY.

GSAR 501.403: Individual Deviations

3. DEMONSTRATION THAT THE ACQUISITION REQUIRES THE USE OF THE AUTHORITY CITED.

On [date] [agency] submitted a requirement for space at [airport name] to [fill in mission need, e.g., support baggage and passenger screening and other airport security operations]. This space is being acquired using Other Than Full and Open Competition [pursuant to a class action Justification for Other Than Full and Open Competition]. Space at the [airport name] is only available from the [airport authority]. In order to fulfill [agency's] mission requirements, PBS must enter into a lease with this Lessor. The offeror, [airport authority], has represented in the System for Award Management (SAM) online Representations and Certifications that they qualify as an as an other than small business under the size standards for NAICS code 531120.

During negotiations, [airport authority], has advised that they are unable to agree to the subcontracting provisions as set forth in the clauses above due to a conflict with local regulations which govern subcontracting opportunities at the airport. Specifically, [airport authority] provides subcontracting opportunities to small businesses under [name or citation of local regulation]. A copy of these regulations is attached to this request. Adopting the subcontracting provisions under GSA form 3517 would require action by the governing legislature which is not practical. [agency]'s mission requires that space is leased at this location from [airport authority]. Failure to obtain this space would compromise [agency]'s ability to [agency mission goal such as provide effective security measures to safeguard travel from this airport] which is not in the public's interest.

4. CONTRACTING OFFICER CERTIFICATION.

In order to meet the mission requirements submitted by [agency], the Federal Government must obtain space from [airport authority]. Due to a conflict with local legislation, [airport authority] is unable to accept the subcontracting standards contained in GSA Form 3517. Pursuant to the authority provided under GSAR 501.403, it is in the public interest to deviate from the small business subcontracting requirements under FAR 19.7 and GSAR 570.203-4 (e) and remove the clauses cited in section 1 of this request as this is necessary to provide space required for [agency] to fulfill their mission at [airport name].

Prepared by:

[Name]
Lease Contracting Officer

Concur:

[Name]
Director of Leasing

Approve:

[Name]
Head of the Contracting Activity