

## Request for Records Disposition Authority

Records Schedule Number      DAA-0145-2017-0027  
Schedule Status                Approved  
  
Agency or Establishment        Farm Service Agency  
Record Group / Scheduling Group   Records of the Farm Service Agency  
Records Schedule applies to    Agency-wide  
Schedule Subject                Leasing Records  
Internal agency concurrences will be provided      No

### Background Information

The Commodity Credit Corporation (CCC) Charter Act of 1948 established CCC's right to enter into leasing of general purpose office space. The overriding rationale for granting the independent authority to FSA was because of the burdensome, rigid, and costly GSA guidelines that were designed for urban areas with an abundance of office space. In 1985, in support of the USDA Service Center vision, FSA was given the authority to lease office space for other USDA Agencies.

On July 8, 1986, OGC issued a memorandum to OO. OGC's memorandum examined the origin and scope of FSA's (formerly the Agricultural Stabilization and Conservation Service's) leasing requirements and practices for:

- general purpose space that included office and office support
- special purpose space that included warehouse or laboratory space.

The 1986 OGC memorandum presented the following 3 conclusions:

- FSA retained the ability to enter into leases for special purpose space under the authority of 40 U.S.C. 474; 1
- FSA's "unauthorized" practice of leasing GSA-controlled general purpose free space could continue by virtue of the language enacted in the 1985 Supplemental Appropriations Act
- when exercising both types of leasing authority, FSA was subject to the Competition in Contracting Act of 1984, 41 U.S.C. 251, et seq., and other generally applicable Federal statutes.

Note: FSA's leasing practices under the independent authority were still subject to the Competition in Contracting Act. However, FSA's procedures to award and manage its leases were less burdensome and allowed leases to be awarded in a more timely fashion. As a consequence, FSA serves as the lead Agency for executing and managing over 85 percent for 2010, of the county-based Agencies Service Center leases, the majority of which are in small rural areas. The portfolio value of these leases is \$107,984,273 for a total of 8,097,429 square feet. FSA CED's or FLM's were responsible for executing and managing these leases, with FSA State Offices providing guidance and oversight.

Further, the 1986 OGC memorandum concluded FSA was not bound by the USDA requirement that prohibits individuals who are not warranted under USDA's qualification and certification procedures from exercising authority to enter into leases on behalf of the U.S., as represented by USDA or 1 of its Agencies. Historically, State Office administrative officers and CED's or FLM's assumed the responsibility as leasing officials, but they were not required to be "warranted" to sign lease contracts.

In November 2006, FSA discovered that language that had previously authorized FSA's independent leasing authority was missing from both the 2006 and 2007 appropriations bills. Agency research to locate the rationale for these omissions in the 2006 and 2007 appropriation bills was unsuccessful. In response, both OGC and OPPM concluded that FSA no longer had independent leasing authority, and all leases were now subject to both GSA and USDA leasing regulations and procedures. OPPM revised DR 5100-002, June 7, 2007, to reflect OGC's and OPPM's decisions and policies. As a result of the omitted appropriations bill language, FSA accepted the conclusion of OGC that FSA no longer had independent leasing authority.

In 2006, OPPM issued FSA a 1-year conditional delegation of leasing authority subject to the following conditions:

- Centralize the Execution and Approval of all Leases

FSA must implement centralized program management, quality control, and oversight of all leases; therefore, FSA developed and implement new business practices that both fully complied with OPPM criteria and exploited business practice efficiencies that capitalized on centralized program management and oversight while maximizing decentralization program execution.

- **Review APHIS Leasing Program as a Model for FSA's Leasing Program**

In response to OPPM's recommendation for FSA to model its new Leasing Program after the current APHIS Leasing Program, FSA's Administrative Officers' Leadership Group completed a site visit to the APHIS's Minneapolis Field Servicing Office in April 2007.

- **Limit the Number of Warranted RPLO's**

DR 5100-002, June 7, 2007, outlined specific requirements for RPLO warrants. FSA initiated actions to evaluate, determine, and staff the most efficient ratio and duty locations for FSA RPLO's to support Leasing Program requirements.

- **Conduct Quarterly Progress and Assistance Meetings with OPPM**

On-going collaboration and coordination with OPPM contributes to the success of FSA's efforts to research, develop, and implement efficient business practices and cost savings for all phases of the Leasing Program. FSA goals and objectives for the quarterly progress and assistance meetings include tracking program accomplishments and establishing and tracking timelines and progress in compliance of all OGC and OPPM policies and Leasing Program guidance. 5-25-11 33-AS (Rev. 1) Amend.

#### **Leasing Program Transition Actions**

National Office MSD implemented and communicated interim leasing procedures to all Field Offices. State Office administrative officers and CED's or FLM's have been designated to serve as local realty officer designees with specific responsibility and authority to complete specific Leasing Program actions under the specific oversight and guidance of National Office MSD RPLO's. In addition, OPPM notified FSA that it will approve a 12-month extension of current leases to allow FSA sufficient time to develop and implement new Leasing Program guidelines and procedures required to complete the Leasing Program workload and transition processes.

FSA has historically managed the large majority of Service Center leases. Some State Offices worked with the other Service Center Agencies (NRCS and RD) to achieve a more equitable distribution of lead Agency leasing support. FSA will continue to consider and explore all available resources to meet mission and customer Leasing Program requirements.

FSA has determined regionalizing critical and scarce RPLO resources to be the most efficient and best business practice to accommodate the immediate Leasing Program requirements and to achieve mission and customer needs. RPLO's that have experience, have completed training requirements, and have received the required warrants, have been assigned to State Offices to provide leasing support to an assigned group of State Offices. RPLO's are aligned organizationally with the State Office where they are physically located, and they report to the administrative officer or SED. RPLO's assigned within National Office MSD provide operational support to multiple State Offices. National Office MSD has been designated and provides the centralized program management, quality control, and oversight for the Leasing Program.

FSA received redelegation of GSA authority to lease space from the Secretary of Agriculture. FSA uses GSA-delegated leasing authority to obtain general-purpose space (that is, office and storage) and special purpose space (that is, laboratories, unimproved land, space for agriculture commodities, etc.). GSA-delegated leasing authority is exercised by FSA when acting alone or for USDA as the lead Agency. GSA delegation provides authorization for USDA to conduct procurements on behalf of, and to collect rent from, USDA Agencies only.

Note: The Administrator of GSA is ultimately responsible for all acquisitions issued under the GSA delegation of authority. FSA is acting on behalf of the GSA Administrator every time a lease is signed. GSA has the right to review and audit lease procurements awarded under the lease delegation for compliance with all GSA measures, lease procurement laws, regulations, and Executive Orders. GSA retains the right to assess, at any time, both the integrity of each individual lease action, as well as the capacity of an agency to perform all aspects of the delegated leasing activities. GSA can revoke an agency's delegation in whole or in part based on improper use of any delegation, and any future requests can be denied.

FSA, as lead Agency, may also use the categorical space delegation from the Administrator of GSA to acquire a type of space identified in FMR 102-73.155, subject to listed limitations.

Item Count

Number of Total Disposition Items	Number of Permanent Disposition Items	Number of Temporary Disposition Items	Number of Withdrawn Disposition Items
10	0	10	0

GAO Approval



## Outline of Records Schedule Items for DAA-0145-2017-0027

Sequence Number	
1	Requirement Development Disposition Authority Number: DAA-0145-2017-0027-0001
2	Pre-Solicitation Phase Disposition Authority Number: DAA-0145-2017-0027-0002
3	Solicitation Phase Disposition Authority Number: DAA-0145-2017-0027-0003
4	Pre-Negotiation Disposition Authority Number: DAA-0145-2017-0027-0004
5	Unsuccessful Offer(s) Disposition Authority Number: DAA-0145-2017-0027-0005
6	Successful Offer and Award Determination Disposition Authority Number: DAA-0145-2017-0027-0006
7	a. Approval and Funding Documents and b. Lease Records Disposition Authority Number: DAA-0145-2017-0027-0007
8	Post Award Notifications Disposition Authority Number: DAA-0145-2017-0027-0008
9	Post Award Disposition Authority Number: DAA-0145-2017-0027-0009
10	Administration Disposition Authority Number: DAA-0145-2017-0027-0010

## Records Schedule Items

Sequence Number	
1	<p><b>Requirement Development</b></p> <p>Disposition Authority Number      <b>DAA-0145-2017-0027-0001</b></p> <p><b>Requirement Development – Records include: SF-81 or Other Request for Space, Requirements Development Documentation, Agency Special Requirements, Agency Specific Requirements and Design Schematic, Pricing of Turnkey Costs to Confirm Within Allowance, Vacant Federal Space Check, Delineated Area to include Rural Development Act Compliance, Justification of Delineated Area Outside CBA and Contact with Local Officials, Performance Documentation for Current Location, Notice to FMSP Re: Randolph Sheppard, Notification to FPS to Request the FSL Determination to include FSL Determination and Security Requirements, Initial Scoring Worksheets or Scoring Memorandum, Prospectus Submission/Approval, Draft OA, Bullseye Report, Succeeding/Superseding Lease Decision Tool, Combined Project Management and Acquisition Plan, Project Milestone Schedule and other required documentation.</b></p> <p>Final Disposition                      <b>Temporary</b></p> <p>Item Status                              <b>Active</b></p> <p>Is this item media neutral?          <b>Yes</b></p> <p>Do any of the records covered by this item currently exist in electronic format(s) other than e-mail and word processing?      <b>No</b></p> <p><b>Disposition Instruction</b></p> <p>Cutoff Instruction                      <b>Cutoff files after lease termination</b></p> <p>Retention Period                      <b>Destroy 6 years after lease termination, lapse, reassignment, rejection of application, cancellation of lease, or conclusion of litigation, as applicable.</b></p> <p><b>Additional Information</b></p> <p>GAO Approval                          <b>Not Required</b></p>
2	<p><b>Pre-Solicitation Phase</b></p> <p>Disposition Authority Number      <b>DAA-0145-2017-0027-0002</b></p> <p><b>Records include: GLS Task Order/Project Orientation Meeting Minutes, FedBizOpps Advertisement using Procurement Summary Template, Expressions of Interest, Expressions of Interest, Market Survey Forms/Report and Agency Concurrence, Market Research, Justification for Other than Full and Open Competition and Supporting Documentation, Historic Preservation Compliance</b></p>

Check, Floodplain Check, NEPA Compliance, Source Selection: Plan and Related Correspondence, NOL Lease Construction/Market Construction Review and Approval and other required documentation.

Final Disposition Temporary

Item Status Active

Is this item media neutral? Yes

Do any of the records covered by this item currently exist in electronic format(s) other than e-mail and word processing? No

**Disposition Instruction**

Cutoff Instruction Cutoff files after lease termination

Retention Period Destroy 6 years after lease termination, lapse, reassignment, rejection of application, cancellation of lease, or conclusion of litigation, as applicable.

**Additional Information**

GAO Approval Not Required

**Solicitation Phase**

Disposition Authority Number DAA-0145-2017-0027-0003

Records include: Draft RLP Package, including Lease, Requirements, and Security Standards, Technical Review of Draft RLP Package, Agency Approval of Draft RLP Package, RLP Package Distribution List, including Transmission to Agency, GSA Filed Office, and FPS, Cover Letter and Procurement Summary Form, Final RLP Package with Attachments to include Davis Bacon Wage Rates, Amendments to RLP Package to include Updated Davis Bacon Wage Rates, Correspondence with Offerors Prior to Receipt of Proposals and other required documentation.

Final Disposition Temporary

Item Status Active

Is this item media neutral? Yes

Do any of the records covered by this item currently exist in electronic format(s) other than e-mail and word processing? No

**Disposition Instruction**

Cutoff Instruction Cutoff files after lease termination

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**Retention Period** Destroy 6 years after lease termination, lapse, reassignment, rejection of application, cancellation of lease, or conclusion of litigation, as applicable.

**Additional Information**

**GAO Approval** Not Required

**Pre-Negotiation**

**Disposition Authority Number** DAA-0145-2017-0027-0004

**Records include:** Negotiation Objectives, Competitive Range Determination/ Notification, Seismic Review, Fire Protection and Life Safety Review of Prelease Submittals, Request for Contractor Support Services for Lease Acquisition and other required documentation.

**Final Disposition** Temporary

**Item Status** Active

**Is this item media neutral?** Yes

**Do any of the records covered by this item currently exist in electronic format(s) other than e-mail and word processing?** No

**Disposition Instruction**

**Cutoff Instruction** Cutoff files after lease termination

**Retention Period** Destroy 6 years after lease termination, lapse, reassignment, rejection of application, cancellation of lease, or conclusion of litigation, as applicable.

**Additional Information**

**GAO Approval** Not Required

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**Unsuccessful Offer(s)**

**Disposition Authority Number** DAA-0145-2017-0027-0005

**Records include:** Initial Offer and Related Correspondence, Offeror's Proof of Property Ownership, Offeror's Proof of Authority to Represent Ownership Entity, System for Award Management to include Active Registration Check, Exclusion Check and Online Representations and Certifications, Abstract of Offers, Scaling/Measurement of Offered Space Floor Plans, Initial Offer Present Value Analysis (PVA) Evaluation, Notice of Deficiencies/Discussions/Negotiations, Revised Offer and Related Correspondence, Pre-Award DID Submission(s) and Agency Approval, Pre-Award Fire/Safety Approval of DIDs, Request for Final Proposal Revision, Final Offer and Related Correspondence, Final Offer Present Value Analysis Evaluation, Pre-Award Notice and Rejection Letters, Post-Award

**Notice and Rejection Letters, Post-Award Debriefings/Protests and Resolution/  
Congressional Inquiries and Responses and other required documentation.**

Final Disposition Temporary

Item Status Active

Is this item media neutral? Yes

Do any of the records covered  
by this item currently exist in  
electronic format(s) other than e-  
mail and word processing? No

**Disposition Instruction**

Cutoff Instruction Cutoff files after lease termination

Retention Period Destroy 6 years after lease termination, lapse,  
reassignment, rejection of application, cancellation of  
lease, or conclusion of litigation, as applicable.

**Additional Information**

GAO Approval Not Required

**Successful Offer and Award Determination**

Disposition Authority Number DAA-0145-2017-0027-0006

Records include: Initial Offer and Related Correspondence, Offeror's Proof of Property Ownership, Offeror's Proof of Authority to Represent Ownership Entity, System for Award Management (SAM) to include Active Registration Check, Exclusion Check and Online Representations and , Abstract of Offers, Scaling/Measurement of Offered Floor Plans, Initial Offer Present Value Analysis Evaluation; Notice of Deficiencies/ Discussions/ Negotiations, Revised Offer and Related Correspondence, Pre-Award DID Submission(s) and Agency Approval, Pre-Award Fire/Safety Approval of Layout Drawings, Approved Small Business Subcontracting Plan, LCRM Pre-Award Assessment, Request for Final Proposal Revision, Final Offer and Related Correspondence, Final Offer Present Value Analysis Evaluation, Energy Star Label or Cost Effective Energy Efficiency Upgrades, Price Negotiation Memorandum, Source Selection Initial and Final Evaluation Reports, Source Selection Conflict of Interest and Non-Disclosure Documentation, Source Selection Source Selection Authority Decision, Revised Scoring Evaluation, Seismic Certification, Floodplain Compliance, Negotiations of Environmental Remediation, Responsibility Check to include 2nd Exclusion Check via SAM, Past Performance and Financial Responsibility, EEO Compliance Review, Foreign Ownership Entity Check in SAM/Agency Notification and other required documentation.

Final Disposition Temporary

Item Status Active

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Is this item media neutral? **Yes**

Do any of the records covered by this item currently exist in electronic format(s) other than e-mail and word processing? **No**

**Disposition Instruction**

Cutoff Instruction **Cutoff files after lease termination**

Retention Period **Destroy 6 years after lease termination, lapse, reassignment, rejection of application, cancellation of lease, or conclusion of litigation, as applicable.**

**Additional Information**

GAO Approval **Not Required**

**a. Approval and Funding Documents and b. Lease Records**

Disposition Authority Number **DAA-0145-2017-0027-0007**

Approval and Funding Documents records include: Agency Recommendation Letter and Revised OA Signed by Agency, Receipt of RWA and Required Certification, BA 53 Final Fund Certification, Legal Review and Comments and other required documentation. Lease Records include: Transmittal of Lease to Lessor for Signature, Transmittal of Executed Lease to Lessor (Award), Fully Executed Lease, Confirmation of Lease Delivery to Lessor, Lease Amendment(s) and other required documentation.

Final Disposition **Temporary**

Item Status **Active**

Is this item media neutral? **Yes**

Do any of the records covered by this item currently exist in electronic format(s) other than e-mail and word processing? **No**

**Disposition Instruction**

Cutoff Instruction **Cutoff files after lease termination**

Retention Period **Destroy 6 years after lease termination, lapse, reassignment, rejection of application, cancellation of lease, or conclusion of litigation, as applicable.**

**Additional Information**

GAO Approval **Not Required**

**Post Award Notifications**

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Disposition Authority Number DAA-0145-2017-0027-0008

Records include: Posting of Award Synopsis on FBO, Posting of Redacted Justification for Other Than Full and Open Competition on FBO, Transmittal of Copy of Lease to Agency, Filed Office, and FPS, Request to GSA PMC/Field Office for Utility Contract, Randolph Sheppard Post-Award Notification to FMSP, Notification and Transmittal of Approved Small Business Subcontracting Plan to SBA area Director, and other required documentation.

Final Disposition Temporary

Item Status Active

Is this item media neutral? Yes

Do any of the records covered by this item currently exist in electronic format(s) other than e-mail and word processing? No

**Disposition Instruction**

Cutoff Instruction Cutoff files after lease termination

Retention Period Destroy 6 years after lease termination, lapse, reassignment, rejection of application, cancellation of lease, or conclusion of litigation, as applicable.

**Additional Information**

GAO Approval Not Required

**Post Award**

Disposition Authority Number DAA-0145-2017-0027-0009

Records include: Design Intent Drawings (DIDs) from Lessor or Government, Fire Safety Approval of DIDs, Finish Selections to Lessor, Construction Drawings from Lessor, Construction Drawing Review by Government, Lessor's TI Construction Bids on TICs Table, Lessor's BSAC bids on SecUP (FSL III or IV), Government Review of TI costs and/or IGE, Government's review of BSAC Pricing and/or IGE, TI/BSAC PNM, Receipt of RWA and required certification, TI/BSAC Notice to Proceed Issued, Construction Inspection Reports/Meeting Minutes/Green Lease Submittals, Davis Bacon Interview Forms and Wage Payment, Small Business subcontracting Reports (ISRs and SSRs), Change Orders Related to Initial Occupancy, Acceptance of Space to include Space Measurement Verification, Certificate of Occupancy, Condition Survey Report Signed by GSA, Agency and Lessor and Punch List and Resolution, Periodic Services schedule from Lessor, Forwarded to Lease Administration Manager, COR Letter to Designated COR; Final OA and Evidence of Transmittal to Agency, LEED or Green Globes Certification and other required documentation.

Final Disposition Temporary

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10	<b>Item Status</b>	<b>Active</b>
	Is this item media neutral?	Yes
	Do any of the records covered by this item currently exist in electronic format(s) other than e-mail and word processing?	No
	<b>Disposition Instruction</b>	
	Cutoff Instruction	Cutoff files after lease termination
	Retention Period	Destroy 6 years after lease termination, lapse, reassignment, rejection of application, cancellation of lease, or conclusion of litigation, as applicable.
	<b>Additional Information</b>	
	GAO Approval	Not Required
	<b>Administration</b>	
	Disposition Authority Number	DAA-0145-2017-0027-0010
	Records include: Operating Cost Escalations, Tax Escalations/Appeals, Change of Ownership, Lease Digest (R620), RWA's Properly Certified, Miscellaneous Correspondence, Appeals, Claims, Disputes to include Correspondence, Contracting Officer Decision, Resolution, Unresolved Claim(s), Civilian Board of Contract Appeals or Claims Court Decision and Payment, Task Order Close Out, CAD As-Builts to CIFM and other required documentation.	
	Final Disposition	Temporary
	<b>Item Status</b>	<b>Active</b>
	Is this item media neutral?	Yes
	Do any of the records covered by this item currently exist in electronic format(s) other than e-mail and word processing?	No
	<b>Disposition Instruction</b>	
	Cutoff Instruction	Cutoff files after lease termination
	Retention Period	Destroy 6 years after lease termination, lapse, reassignment, rejection of application, cancellation of lease, or conclusion of litigation, as applicable.
<b>Additional Information</b>		
GAO Approval	Not Required	

## Agency Certification

I hereby certify that I am authorized to act for this agency in matters pertaining to the disposition of its records and that the records proposed for disposal in this schedule are not now needed for the business of the agency or will not be needed after the retention periods specified.

## Signatory Information

Date	Action	By	Title	Organization
10/12/2017	Certify	Keith Holden	Records Officer	Farm Service Agency - Foreign Agricultural Service
10/16/2017	Return for Revision	John Hulmston	Senior Records Analyst	National Archives and Records Administration - ACRA
10/17/2017	Submit For Certification	Debra Lackey	Records Analyst	FAS - FAS
10/17/2017	Certify	Keith Holden	Records Officer	Farm Service Agency - Foreign Agricultural Service
04/20/2018	Return for Revision	John Hulmston	Senior Records Analyst	National Archives and Records Administration - ACRA
04/20/2018	Submit For Certification	Keith Holden	Records Officer	Farm Service Agency - Foreign Agricultural Service
05/22/2018	Certify	Keith Holden	Records Officer	Farm Service Agency - Foreign Agricultural Service
05/25/2018	Submit for Concurrence	John Hulmston	Senior Records Analyst	National Archives and Records Administration - ACRA
06/14/2018	Return to Submitter	Margaret Hawkins	Director of Records Management Services	National Records Management Program - ACNR Records Management Services
07/13/2018	Submit for Concurrence	Kate Flaherty	Appraiser	National Archives and Records Administration - ACRA
07/13/2018	Concur	Kate Flaherty	Appraiser	National Archives and Records Administration - ACRA

07/27/2018	Concur	Margaret Hawkins	Director of Records Management Services	National Records Management Program - ACNR Records Management Services
07/30/2018	Approve	David Ferriero	Archivist of the United States	Office of the Archivist - Office of the Archivist