

# Justification for Other Than Full and Open Competition, Extension

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U.S. General Services Administration

GSA Region 2 Leasing

## JUSTIFICATION FOR OTHER THAN FULL AND OPEN COMPETITION

PROJECT NUMBER: 2NY0821

Agency Name: Social Security Administration (SSA)

### 1. NATURE AND/OR DESCRIPTION OF ACTION BEING APPROVED.

The General Services Administration currently leases 10,700.00 ABOA/12,299.00 rentable square feet (RSF) of office space at 20 S Broadway, Yonkers, NY under lease number LNY24259 for the SSA. The current lease expires September 30, 2022. Approval is requested to negotiate a lease extension with the incumbent Lessor, without full and open competition, for continued occupancy at this leased location. The procedures for pursuing a lease extension are detailed in GSAR 570.405: Lease extensions.

### 2. DESCRIPTION OF THE SUPPLIES OR SERVICES REQUIRED TO MEET THE AGENCY'S NEEDS (INCLUDING ESTIMATED VALUE).

The Government requires an extension of the current lease for 11 months to commence on October 1, 2022. PBS Region 2 has awarded the new/replacing Lease to the incumbent following a full and open competitive procurement. This extension is required due to the agency delay with the construction drawing (CD) reviews and approvals, and it is necessary in order to protect the Government occupancy and provide sufficient time while the new tenant improvements are completed.

The estimated cost of this lease extension is (b) (5) per RSF per year for an annual cost of (b) (5) and a total contract value of (b) (5).

### 3. IDENTIFICATION OF STATUTORY AUTHORITY PERMITTING OTHER THAN FULL AND OPEN COMPETITION.

41 U.S.C. 3304(a)(1): Only one responsible source and no other supplies or services will satisfy agency requirements. This statutory authority is implemented through GSAR 570.405. In accordance with GSAR 570.405, use of the sole source authority is appropriate when the government experiences a delay in acquiring replacement space.

### 4. DEMONSTRATION THAT THE PROPOSED CONTRACTOR'S UNIQUE QUALIFICATIONS OR NATURE OF THE ACQUISITION REQUIRES THE USE OF THE AUTHORITY CITED.

It is in the best interest of the Government to remain at the current location during the extension period. The agency occupying the leased space is scheduled to move into other Federally controlled space, but encountered unexpected delays in preparing the new space for occupancy. Award to other than the current Lessor would require relocation of the entire requirement and would cause SSA to incur move and replication costs that would not be recovered through competition.

5. DESCRIPTION OF EFFORTS MADE TO ENSURE THAT OFFERS ARE SOLICITED FROM AS MANY POTENTIAL SOURCES AS IS PRACTICABLE.

In accordance with GSAM 570.106(d) and 570.405, an advertisement is not required for extensions.

6. DEMONSTRATION BY THE CONTRACTING OFFICER THAT THE ANTICIPATED COST TO THE GOVERNMENT WILL BE FAIR AND REASONABLE.

Recent market research conducted by the Leasing Specialist and Lease Contracting Officer in Yonkers, NY showed the rental rate within the market area ranges from (b) (5) to (b) (5) per RSF, when adjusted for a fully serviced rental rate. The market data was collected from CoStar, which is representative of long lease terms typically between 5 and 10 years. Furthermore, the Bullseye Report showed the target rate of (b) (5) per RSF. Considering the short term nature of this extension, negotiating an extension at the current rental rate would be favorable to the Government. See attached CoStar and Bullseye Reports.

Therefore, the anticipated rental rates for this lease extension of (b) (5) per RSF, are within the current market range for this submarket and are deemed fair and reasonable by the GSA Lease Contracting Officer.

7. DESCRIPTION OF MARKET RESEARCH CONDUCTED AND THE RESULTS.

On July 13, 2022, market research was conducted using CoStar. The market research showed the rental rate within the market area ranges from (b) (5) to (b) (5).

8. OTHER FACTS SUPPORTING USE OF OTHER THAN FULL AND OPEN COMPETITION.

Remaining at the current location under a 11 month extension avoids a holdover and allows the Government to continue operations without disruption.

9. LIST OF SOURCES, IF ANY, THAT EXPRESSED, IN WRITING, AN INTEREST IN THE ACQUISITION.

N/A

10. STATEMENT OF ACTIONS, IF ANY, THE AGENCY MAY TAKE TO REMOVE OR OVERCOME ANY BARRIERS TO COMPETITION BEFORE ANY SUBSEQUENT ACQUISITION.

In advance of an existing lease contract's expiration, a competitive lease procurement has been conducted and has resulted in a lease award dated May 5, 2020. This extension is necessary to protect the Government occupancy while the new space is substantially completed and ready for occupancy.

11. CONTRACTING OFFICER CERTIFICATION.

By signature on this Justification for Other than Full and Open Competition, the GSA Lease Contracting Officer certifies that the award of a lease extension of 11 months for LNY24259 is in the Government's best interest and that this Justification is accurate and complete to the best of the GSA Lease Contracting Officer's knowledge and belief.

(b) (6)

Lease Contracting Officer (2PRM)

12. PREPARER'S TECHNICAL CERTIFICATION.

I certify that the supporting data used to form the basis of this Justification is complete and accurate to the best of my knowledge and belief.

(b) (6)

Leasing Specialist (2PRM)

13. APPROVED BY:

(b) (6)

Leasing Supervisor (2PRM)

14. REVIEWED BY:

(b) (6)

Senior Assistant Regional Counsel (2L)