

U.S. General Services Administration

GSA Region 1

1PRL Leasing Division

JUSTIFICATION FOR OTHER THAN FULL AND OPEN COMPETITION

PROJECT NUMBER: 2VT0080

LEASE NUMBER: LVT04810

Agency Name: Internal Revenue Service (IRS)

1. NATURE AND/OR DESCRIPTION OF ACTION BEING APPROVED

The General Services Administration currently leases 11,363 ABOA/12,997 rentable square feet (RSF) of office space at 128 Lakeside Avenue, Burlington, VT 05401 under lease number LVT04810 for the IRS. The current lease expires January 1, 2023. 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 six months to commence on January 2, 2023. The estimated cost of this lease extension is [REDACTED] per rentable square feet per year for an annual cost of [REDACTED] and a total contract value of [REDACTED]

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.

- ☐ The agency occupying the leased space is scheduled to move into other Federally controlled space, but encounters unexpected delays in preparing the new space for occupancy
- ☒ The government encounters unexpected delays outside of its control in acquiring replacement space
- ☐ The government is consolidating various agencies and the contracting officer needs to extend the terms of some leases to establish a common expiration date
- ☐ The agency occupying the space has encountered delays in planning for a potential relocation to other federally controlled space due to documented organizational, financial, or other uncertainties

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. A long-term succeeding lease is currently being negotiated for IRS Burlington. [REDACTED]

[REDACTED] Award to other than the current Lessor would require relocation of the entire requirement and would cause IRS 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 Lease Contracting Officer in Burlington, VT, showed the rental rate within the market area ranges from [REDACTED] with an average of [REDACTED]

Therefore, the anticipated rental rates for this lease extension of [REDACTED], 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 November 21, 2022, market research was conducted using Costar and broker provided analytics. The market research showed the rental rate within the market area ranges from [REDACTED] with an average of [REDACTED]

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

Remaining at the current location under a six-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, considerations will be given to allow for sufficient time to conduct a full and open procurement. The Government will consider the time and cost of moving from the existing location, and the time and cost to build out new space when deciding whether it is economically advantageous to stay at the existing building or to undergo a competitive action.

Additionally, consideration will be given to the customer agency's mission and security requirements (if applicable) to include limiting any agency space requirements that may be deemed unduly restrictive and thus favor the incumbent. The Government will remain conscious of the effort to continuously encourage competition when practicable.

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 six months for LVT04810 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.

DocuSigned by:

7D519E04FE9842C... Date 1/30/2023

Shayne Doherty, Lease Contracting Officer

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.

DocuSigned by:

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Patrick Harris, Leasing Specialist

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Leasing Contracting Officer

US General Services Administration

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