

# Justification for Other Than Full and Open Competition, Lease Extension

U.S. General Services Administration

GSA Region 4

4P1L1A

## JUSTIFICATION FOR OTHER THAN FULL AND OPEN COMPETITION

PROJECT NUMBER: 0AL2147

Agency Name: Equal Employment Opportunity Commission

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

The General Services Administration (GSA) currently leases 22,105 ABOA/25,420 rentable square feet (RSF) of office space at 1130 22<sup>nd</sup> Street S, Birmingham, AL 35205, under lease number GS-04B-61018 for the Equal Employment Opportunity Commission (EEOC). The current lease expired May 26, 2021. Approval is requested to negotiate a lease extension for a three (3) year/ two (2) year firm term with the incumbent Lessor without full and open competition for continued occupancy at this leased location. This term will allow for the anticipated amount of time necessary to procure a new space and to ensure that it is ready for tenant agency occupancy. 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).

GSA received a package from the Client Delivery Team (CDT) indicating a continuing need letter on December 10, 2020, for 24,503 RSF of office and related space. To satisfy the EEOC mission requirements, the facility must REDACTED

while the long term new/replacing procurement is completed.

This requirement is for 22,105 ABOA/25,420 RSF of space for a 3-year term to commence on May 27, 2021. The estimated cost of this lease is REDACTED and a total contract value of REDACTED. The delineated area is the current lease location in the Southside Birmingham, AL, submarket. There is no vacant Federal Space available.

### 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, contracting without providing for full and open competition is permitted when the property or services needed by the agency are available from only one responsible source and may apply to lease extensions in situations where the Government encounters unexpected delays outside of its control in acquiring replacement space. Additionally, as discussed below, it is determined that award to any other offeror would result in substantial duplication of costs to the Government that are not expected to be recovered through competition.

**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 while the long-term project is completed. Award to other than the current Lessor would require relocation of the entire requirement and would cause EEOC to incur move and replication costs that would not be recovered through competition. Relocation costs are estimated to be REDACTED. Additionally, this allows the Government to make use of existing tenant improvements, avoiding replication costs of REDACTED. A cost-benefit analysis was completed following the procedures set forth in GSAR 570.402-6. The cost of relocating EEOC using the low-cost quote exceeds the cost of remaining at Ridge Park. The total savings to the Government is

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

The GSA Lease Contracting Officer placed an advertisement on the Contracting Opportunities domain of SAM.gov from June 10, 2021, at 1:47 pm EST through June 15, 2021, at 5:00 pm EST, and received no expressions of interest. In addition, the Leasing Specialist conducted market research using CoStar on December 09, 2020, and again on September 22, 2021, and identified three (3) Class A offices available in the market.

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

Recent market surveys conducted using CoStar by the Leasing Specialist in Birmingham, AL, showed the rental rate within the delineated area ranges from \$20.00 to \$28.50 per RSF.

Therefore, the proposed 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.

REDACTED

REDACTED

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

REDACTED

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

REDACTED

# REDACTED

## 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 25,420 RSF 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.

10/14/2021

**X** Marc Skinner

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Marc Skinner

LCO

Signed by: MARCUS SKINNER

## 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.

10/14/2021

**X** Veta Martin

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Veta Martin

Leasing Specialist

Signed by: VETA MARTIN

Concurred by:

Concurred by:

10/15/2021

10/18/2021

**X** Darnell Chavis

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Darnell Chavis

Branch Chief

Signed by: DARNELL CHAVIS

**X** Heather Driskell

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Heather Driskell

LAO

Signed by: HEATHER DRISKELL

Approved by:

Concurred by:

10/28/2021

10/28/2021

**X** LaSonya A Glover

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LaSonya Glover

Division Director

Signed by: LASONYA GLOVER

**X** Carisa LeClair

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Legal (4L)

Signed by: CARISA LECLAIR

Concurred by:



Recoverable Signature

**X** Pamela Mitschke

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Pam Mitschke

Competition Advocate

Signed by: General Services Administration