



**Committee on Transportation and Infrastructure
U.S. House of Representatives**

**Bill Shuster
Chairman**

Washington, DC 20515

**Peter A. DeFazio
Ranking Member**

COMMITTEE RESOLUTION

Christopher P. Bertram, Staff Director

Katherine W. Dedrick, Democratic Staff Director

**LEASE
U.S. DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE OF IMMIGRATION REVIEW
AND
U.S. DEPARTMENT OF HOMELAND SECURITY
IMMIGRATION AND CUSTOMS ENFORCEMENT
SAN FRANCISCO, CA
PCA-01-SF16**

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that pursuant to 40 U.S.C. §3307, appropriations are authorized for a succeeding lease of up to 85,000 rentable square feet of space, including 25 official parking spaces, for the Department of Justice, Executive Office for Immigration Review and the Department of Homeland Security, Immigration and Customs Enforcement, Office of Principle Legal Advisors currently located at 100 Montgomery Street in San Francisco, California at a proposed total annual cost of \$6,460,000 for a lease term of up to 10 years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to the execution of the new lease.

Provided that, the Administrator of General Services and tenant agencies agree to apply an overall utilization rate of 556 square feet or less per person for the Executive Office of Immigration Review and 253 square feet or less per person for the Office of Principle Legal Advisors, except that, if the Administrator determines that the overall utilization rates cannot be achieved, the Administrator shall provide an explanatory statement to the Committee on Transportation and Infrastructure of the House of Representatives prior to exercising any lease authority provided in this resolution.

Provided that, except for interim leases as described above, the Administrator may not enter into any leases that are below prospectus level for the purposes of meeting any of the requirements, or portions thereof, included in the prospectus that would result in an overall utilization rate of 556 square feet or higher per person for the Executive Office of Immigration Review or 253 square feet or higher per person for the Office of Principle Legal Advisors.

Provided that, to the maximum extent practicable, the Administrator shall include in the lease contract(s) a purchase option that can be exercised at the conclusion of the firm term of the lease.

Provided further, that the Administrator shall require that the delineated area of the procurement is identical to the delineated area included in the prospectus, except that, if the Administrator determines that the delineated area of the procurement should not be identical to the delineated area included in the prospectus, the Administrator shall provide an explanatory statement to the Committee on Transportation and Infrastructure of the House of Representatives prior to exercising any lease authority provided in this resolution.

Provided further, that the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

Adopted: **March 2, 2016**



Bill Shuster, M.C.
Chairman

PROSPECTUS – LEASÉ
U.S. DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE OF IMMIGRATION REVIEW
AND
U.S. DEPARTMENT OF HOMELAND SECURITY
IMMIGRATION AND CUSTOMS ENFORCEMENT
SAN FRANCISCO, CA

Prospectus Number: PCA-01-SF16
Congressional District: 12

Executive Summary

The General Services Administration (GSA) proposes a succeeding lease for 85,000 rentable square feet (RSF) of space for the Department of Justice, Executive Office for Immigration Review (EOIR); and the Department of Homeland Security, Immigration and Customs Enforcement, Office of Principle Legal Advisors (OPLA), currently located at 100 Montgomery Street, San Francisco, CA.

The succeeding lease will provide continued housing for EOIR and OPLA and will improve office and overall utilization while providing space for additional personnel needed at the current location due to increases in the caseload.

Description

Occupant:	Executive Office of Immigration Review and Immigration and Customs Enforcement
Lease Type	Succeeding
Current Rentable Square Feet (RSF)	77,529 (Current RSF/USF = 1.18)
Proposed Maximum RSF:	85,000 (Proposed RSF/USF = 1.18)
Expansion/Reduction RSF:	7,471 (Increase)
Current Usable Square Feet/Person:	576/338
Proposed Usable Square Feet/Person:	556/253
Proposed Maximum Lease Term:	10 Years
Expiration Dates of Current Leases:	10/12/2016
Delineated Area:	100 Montgomery Street, San Francisco, CA
Number of Official Parking Spaces:	25
Scoring:	Operating lease
Maximum Proposed Rental Rate ¹ :	\$76.00 / RSF

¹This estimate is for fiscal year 2017 and may be escalated by 1.9 percent annually to the effective date of the lease to account for inflation. The proposed rental rate is fully serviced including all operating expenses whether paid by the lessor or directly by the Government. GSA will conduct the procurement using prevailing market rental rates as

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Proposed Total Annual Cost ² :	\$6,460,000
Current Total Annual Cost:	\$3,218,334 (Leases effective 10/13/2006 and 08/18/2008)

Background

EOIR and OPLA are currently co-located at 100 Montgomery Street in San Francisco, CA. In conjunction with approximately 9,000 RSF in a nearby Federal building, this location acts as one of the 59 EOIR Courts around the country. The judges and staff administer and interpret Federal immigration law and regulations through immigration court proceedings, appellate reviews, and administrative hearings. OPLA is comprised of attorneys and staff and is the legal representative and litigator for the Federal Government in exclusion, deportation, and removal proceedings before EOIR. In fiscal year (FY) 2013, the San Francisco EOIR Court completed 9,600 court-related matters, including notices to appear, bonds and motions.

Justification

The two leases at 100 Montgomery Street, San Francisco, CA, expire on October 12, 2016. Both EOIR and OPLA require continued housing to ensure continuity in meeting the agencies' mission requirements. The number of court-related matters heard at this location has increased in recent years and is expected to continue growing. To handle this increase, EOIR will be dedicating additional resources to this location in the coming year and will need courtrooms and the associated office and special space to support their mission.

Special Space Requirements

In FY 2013 the San Francisco EOIR Court completed 9,600 court matters, a 6 percent increase from the previous year. Due to the courtrooms, secure corridors, file storage, and associated space needed to provide safe and secure immigration, deportation, and removal proceedings, the special space requirements of this location are substantially higher than other locations of similar size.

a benchmark for negotiating this lease extension to ensure that lease award is made in the best interest of the government. Lease award shall not exceed the maximum rental rate as specified in this prospectus.

²New leases may contain an escalation clause to provide for annual changes in real estate taxes and operating costs.

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These courtrooms are constructed to facilitate assembly functions and to comply with current accessibility standards, including circulation for wheelchair accessibility. Each courtroom has a raised desk for the judge, clerk, and interpreter and a litigation area for the prosecution, defense, and witness, along with public seating for court visitors. The current courtroom standard of approximately 850 square feet was developed to meet the needs of the court and comply with applicable accessibility standards. The courtrooms are used on a daily basis and are designed to handle approximately 35 people.

In addition to courtrooms, EOIR also has a need for approximately 12,000 square feet of storage to maintain the Records of Proceedings (ROP). ROPs are critical to the function of the immigration courts and are used by immigration judges, attorneys, and EOIR Board Members if a court decision is appealed. Documents found in the ROP include charging papers initiated by the Department of Homeland Security and the progression of case documentation. The size of an ROP can be as small as 1.5" or can become large enough to be referred to as a "box case." The Federal Records Act requires the storage of records in paper form, although EOIR has begun the transition to electronic filing and digital recordings of court proceedings. At this time, these initiatives affect only a small portion of the ROP and paper files remain critical for continuity between agencies accessing documentation during the years a case remains active.

Summary of Energy Compliance

GSA will incorporate energy efficiency requirements into the Request for Lease Proposals and other documents related to the procurement of space based on the approved prospectus. GSA encourages offerors to exceed minimum requirements set forth in the procurement and to achieve an Energy Star performance rating of 75 or higher.

Resolutions of Approval

Resolutions adopted by the House Committee on Transportation and Infrastructure and the Senate Committee on Environment and Public Works approving this prospectus will constitute approval to make appropriations to lease space in a facility that will yield the required rentable area.

March 2015

Housing Plan
Executive Office of Immigration Review and
Office of Principle Legal Advisors

PCA-01-SF16
San Francisco, CA

Locations	CURRENT					PROPOSED				
	Personnel		Usable Square Feet (USF) ¹			Personnel		Usable Square Feet (USF)		
	Office	Total	Office	Storage	Special	Total	Office	Storage	Special	Total
100 Montgomery Street, SF (EOIR)	75	75	11,755		31,448	43,203				
100 Montgomery Street, SF (OPLA)	67	67	13,522		9,128	22,650				
Proposed Lease EOIR							98			12,805
Proposed Lease OPLA							67			11,096
Total	142	142	25,277	-	40,576	65,853	165	23,901	-	71,435

Office Utilization Rates (UR) ²		
	Current	Proposed
EOIR	122	102
OPLA	157	129

UR=average amount of office space per person
Current URs excludes 5,561 usf of office support space
Proposed URs excludes 4,809 usf of office support space

Overall UR ³		
	Current	Proposed
EOIR	576	556
OPLA	338	253

Agency	Special Space	USF
OPLA	Secure Files/Bulk Storage	1,565
OPLA	Break Room	480
OPLA	Secure Waiting Area	278
OPLA	Telecom Suite	356
OPLA	Conference/Training Rooms	1,343
OPLA	Office Support Centers	712
OPLA	Administration File Room	542
OPLA	Law Library	405
EOIR	Courtroom	22,440
EOIR	Judges Secure Corridor	1,560
EOIR	Reception/Waiting Area	2,128
EOIR	Interpreter Waiting Room	195
EOIR	Pro Bono Rooms	312
EOIR	ADP	156
EOIR	Conference/Training Room	710
EOIR	Printer/Copy/Mail Room	748
EOIR	File Room	11,913
EOIR	File Archive Room	390
EOIR	Supply Rooms	420
EOIR	Break Rooms	390
EOIR	Staff Rest Rooms	291
	Total	47,534

NOTES:
¹USF means the portion of the building available for use by a tenant's personnel and furnishings and space available jointly to the occupants of the building.
²Calculation excludes Judiciary, Congress and agencies with less than 10 people
³USF/Person = housing plan total USF divided by total personnel.
⁴R/U Factor = Max RSF divided by total USF

R/U Factor ⁴	Total USF	RSF/USF	Max RSF
Current	65,853	1.18	77,529
Proposed	71,435	1.18	85,000

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United States Senate

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

WASHINGTON, DC 20510-6175

RYAN JACKSON, MAJORITY STAFF DIRECTOR
BETTINA POIRIER, DEMOCRATIC STAFF DIRECTOR

COMMITTEE RESOLUTION

**SUCCEEDING LEASE
U.S. DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE OF IMMIGRATION REVIEW
AND
U.S. DEPARTMENT OF HOMELAND SECURITY
IMMIGRATION AND CUSTOMS ENFORCEMENT
SAN FRANCISCO, CALIFORNIA
PCA-01-SF16**

**RESOLVED BY THE COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS OF
THE UNITED STATES SENATE**

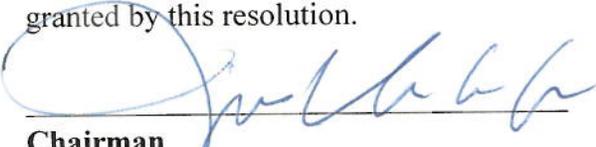
that pursuant to title 40 U.S.C. § 3307, a prospectus providing for a succeeding lease of up to 85,000 rentable square feet of space, for the department of Justice, executive Office for Immigration review; and the Department of Homeland Security, Immigration and customs Enforcement, Office of Principle Legal Advisors, currently located at 100 Montgomery Street, san Francisco, California, at a maximum proposed rental rate of \$76 per rentable square foot, at a proposed total annual cost of \$6,460,000 for a lease term of up to 10 years, a description of which is attached hereto and by reference made part of this resolution, is approved.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to execution of the new lease.

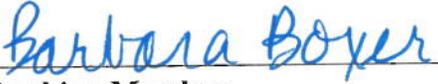
Provided, that to the maximum extent practicable, the Administrator of General Services shall require that the procurement include energy efficiency requirements as would be required for the construction of a federal building.

Provided further, that the Administrator shall require that the delineated area of the procurement is identical to the delineated area included in the prospectus, *except that*, if the Administrator determines that the delineated area of the procurement should not be identical to the delineated area included in the prospectus, the Administrator shall provide an explanatory statement to the Committee on Environment and Public Works of the United States Senate prior to exercising any lease authority provided in this resolution.

Provided further, that the Administrator shall not delegate to any other agency the authority granted by this resolution.


Chairman

Adopted: January 20, 2016


Ranking Member