

Section 21-17.4 SUSTAINABILITY GUIDELINES FOR LEASED FACILITIES

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A. Purpose

This section establishes guidelines for sustainability activities for Indian Health Service (IHS) direct leases and General Services Administration (GSA) lease assignments and Occupancy Agreements (OA) to meet requirements of laws, regulations, executive orders, and policy governing the implementation of sustainable building requirements.

B. Scope

The guidelines in this chapter apply to all IHS direct leases (except facility-of-the-service leases), GSA space assignments, and GSA delegated leases. Lease actions include all new leases, renewals, and extensions.

New construction, major renovations, additions, and replacement of major mechanical and electrical systems in existing facilities are addressed in Chapter 21-17.2 *Sustainability Guidelines for New Facility Construction, Build-To-Lease and Major Renovation*. Build-to-suit leases (e.g., Joint Venture Construction Program leases) are treated as new construction and sustainability guidance for them is addressed in Section 21-17.2. Existing facilities are addressed in Section 21-17.3 *Sustainability Guidelines for Existing Facilities*.

GSA sustainability requirements apply to GSA delegated space or GSA assigned space when the IHS occupies more than 50 percent of the total space in the building.

C. Requirements

- All lease actions shall consider the Guiding Principles as one criterion for lease evaluation.
- All lease actions of 465 usable square meters (USM) or more shall incorporate the Guiding Principles to the maximum extent feasible. [Appendix 2](#) lists the five Guiding Principles.
- All lease actions for GSA assigned space or IHS direct leases for Federal occupancy shall include lease provisions that support the Guiding Principles.
- The selection criteria for acquiring leased buildings shall include a preference for buildings that meet the goals of the Guiding Principles.
- Beginning December 19, 2010, all leased buildings are required to be Environmental Protection Agency (EPA) Energy Star labeled in

accordance with *Energy Independence and Security Act of 2007* (EISA) Section 435. See [Appendix 1](#), Section F for exceptions and further guidance.

- All IHS lease actions shall incorporate green lease language to reflect requirements of Executive Order (EO) 13423. Model green lease language is available from the Lead Realty Officer.
- A Sustainable Buildings Checklist for Lease Actions shall be completed for all lease actions 465 USM or greater except build-to-suit leases. Note: The Checklist is not intended to be used during the solicitation process but to record the sustainable features of a building after occupancy.
- For IHS direct leases, the owner shall complete and sign the Sustainable Buildings Checklist for Lease Actions. The owner shall be given one year after occupancy to indicate whether they have met the requirements and sign the Checklist.
- When the lessor or GSA does not furnish the Sustainable Buildings Checklist for Lease Actions or other building data that can confirm compliance with the Guiding Principles, a Letter of Non-Conformance shall be submitted to the IHS Lead Realty Officer within 30 days after lease award. A model Letter of Non-Conformance can be found in the Sustainable Buildings Implementation Plan (SBIP).
- Operating and Maintenance (O&M) costs shall be reported for leased facilities for all IHS direct leases.
- Sustainability factors and O&M costs shall be entered into applicable fields in the Asset Management tab in HFDS as part of the lease process.

D. Reporting

The HQ Division of Facilities Operations (DFO) submits semi-annual reports to DHHS regarding progress toward achieving goals and requirements of the SBIP. Data for these reports are drawn from the project documentation, checklists, and the HFDS.

E. Responsibilities

The Area Offices, the Headquarters Division of Engineering Services, and Division of Facilities Operations have responsibilities for data accuracy, document preparation, and reviews outlined below:

1. Area Office

Each Area Office shall:

- Ensure all lease actions include lease provisions that support the Guiding Principles;
- Ensure that all lease actions consider the Guiding Principles as one criterion for lease evaluation;
- Ensure all lease actions of 465 usable square meters (USM) or more incorporate the Guiding Principles to the maximum extent feasible;
- Ensure that all buildings leased on or after December 19, 2010, are EPA Energy Star labeled in accordance with EISA Section 435;

- Ensure the Sustainable Buildings Checklist for Lease Actions is completed for all lease actions 465 USM or greater except build-to-suit leases;
 - Ensure all applicable data are entered into the appropriate areas of the HFDS as part of the lease process.
 - Assist Lease Contracting Office as necessary, including ensuring that leased assets meet the Memorandum of Understanding (MOU) (See [Appendix 1](#)) to the maximum extent feasible. See [Appendix 2](#) for practices that can help lead to compliance; and
2. Division Engineering Services - Lease Contracting Officer
The IHS warranted Lease Contracting Officer is the Agency representative responsible for ensuring that sustainability principles are incorporated into all lease actions and GSA space assignments. The Lease Contracting Officer shall:
- Ensure sustainability clauses are included in the SFO and award factors;
 - Ensure all lease actions include provisions that support the Guiding Principles;
 - Ensure the selection criteria include a preference for buildings that meet the goals of the Guiding Principles;
 - Ensure that all buildings leased on or after December 19, 2010, are EPA Energy Star labeled in accordance with EISA Section 435;
 - Ensure all IHS lease action Solicitation for Offers (SFO) incorporate green lease language to reflect requirements of EO 13423;
 - Ensure all lease actions meet the MOU requirements to the maximum extent feasible;
 - For each lease action executed for 465 USM or greater except build-to-suit leases, submit a completed Sustainable Buildings Checklist for Lease Actions to Lead Realty Officer, DFO;
 - For IHS direct leases, ensure that within one year of occupancy, the owner completes and signs the Sustainable Buildings Checklist for Lease Actions to indicate whether they have met the requirements;
 - If the lessor or GSA does not furnish the Sustainable Buildings Checklist for Lease Actions or other building data that can confirm compliance with the Guiding Principles, submit a Letter of Non-Conformance to the IHS Lead Realty Officer within 30 days after lease award; and
 - Ensure all applicable lease-related data are entered into the appropriate areas of the HFDS as part of the lease process. Applicable data include lease number, USM, lessor, dates, etc.

3. Division of Facilities Operations

DFO shall:

- Modify data systems as needed to incorporate data needs;
- Submit progress reports to DHHS as required; and
- Report information as required to meet other requirements and requests.