

INTRODUCED: October 10, 2023

AN ORDINANCE No. 2023-310

To authorize the Chief Administrative Officer, for and on behalf of the City of Richmond, to execute a General Services Administration Public Buildings Service Lease Amendment No. 8 between the City of Richmond and the Government of the United States of America for the purpose of incorporating a prohibition on a ByteDance covered application and reducing the number of parking spaces leased to the federal government at a City-owned parking facility located at 500 East Marshall Street.

Patron – Mayor Stoney

Approved as to form and legality
by the City Attorney

PUBLIC HEARING: NOV 13 2023 AT 6 P.M.

THE CITY OF RICHMOND HEREBY ORDAINS:

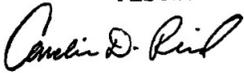
§ 1. That the Chief Administrative Officer, for and on behalf of the City of Richmond, be and is hereby authorized to execute a General Services Administration Public Buildings Service Lease Amendment No. 8 between the City of Richmond and the Government of the United States of America for the purpose of incorporating a prohibition on a ByteDance covered application and reducing the number of parking spaces from leased to the federal government at a City-owned parking facility located at 500 East Marshall Street. Such General Services Administration Public

AYES: 9 NOES: 0 ABSTAIN: _____

ADOPTED: NOV 13 2023 REJECTED: _____ STRICKEN: _____

Buildings Service Lease Amendment No. 8 shall be approved as to form by the City Attorney and shall be substantially in the form of the document attached to this ordinance.

§ 2. This ordinance shall be in force and effect upon adoption.

A TRUE COPY:
TESTE:

City Clerk



City of Richmond

900 East Broad Street
2nd Floor of City Hall
Richmond, VA 23219
www.rva.gov

Master

File Number: Admin-2023-1249

File ID: Admin-2023-1249 **Type:** Request for Ordinance or Resolution **Status:** Regular Agenda

Version: 1 **Reference:** **In Control:** City Clerk Waiting Room

Department: **Cost:** **File Created:** 08/04/2023

Subject: **Final Action:**

Title:

Internal Notes:

Code Sections:

Agenda Date: 09/11/2023

Indexes:

Agenda Number:

Patron(s):

Enactment Date:

Attachments: O&R for 5th & Marshall Lease Agreement 8-7-23 Amendment, Lease Agreement and Exhibit A 8-4-23

Enactment Number:

Contact:

Introduction Date:

Drafter: Lynne.Lancaster@rva.gov

Effective Date:

Related Files:

Approval History

Version	Seq #	Action Date	Approver	Action	Due Date
1	1	8/8/2023	Bobby Vincent	Approve	8/7/2023
1	2	8/9/2023	Robert Steidel	Approve	8/9/2023
1	3	8/13/2023	Sabrina Joy-Hogg	Approve	8/11/2023
1	4	8/25/2023	Lincoln Saunders	Approve	8/17/2023
1	5	9/7/2023	Mayor Stoney (By Request)	Approve	9/1/2023
Notes: wrong mayor account being used the mayor correction made by kit hagen					
1	6	9/7/2023	Mayor Stoney	Approve	9/11/2023

History of Legislative File

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:

Text of Legislative File Admin-2023-1249

O&R REQUEST

DATE: August 7, 2023 **EDITION:** 1

TO: The Honorable Members of City Council

THROUGH: The Honorable Levar M. Stoney, Mayor

THROUGH: Lincoln Saunders, Chief Administrative Officer

THROUGH: Sabrina Joy-Hogg, DCAO Finance and Administration

THROUGH: Robert C. Steidel, DCAO of Operations

FROM: Bobby Vincent, Director of Public Works

RE: **AUTHORITY TO AMEND A PARKING LEASE AGREEMENT WITH THE GOVERNMENT OF THE UNITED STATES OF AMERICA**

ORD. OR RES. No.

PURPOSE: To authorize the Chief Administrative Officer (CAO) to amend the parking lease agreement GS-03P-LVA12102 with the Government of the United States of America within a City-owned parking facility located at 500 E, Marshall Street from October 1, 2023 through September 30, 2028 reduce parking spaces to 17 parking spaces with the Exhibit A provision FAR 52.204-27 Prohibition on a Byte Dance Covered Application.

REASON: To enable the CAO to enter into and, as needed, modify a parking lease agreement with Government of the United States of America.

RECOMMENDATION: Approval is recommended by the City Administration.

BACKGROUND: The City of Richmond acquired the Broad Street Community Development Authority's (CDA) five parking facilities in November 2010 which consisted of two surface lots (401 E. Broad and 609 E. Grace) and three parking garages (500 E. Marshall, 607 E. Marshall and 612 E. Franklin). The Government of the United States of America has leased parking spaces at the 500 E. Marshall Street for several years and would like to continue their parking lease.

City Council adopted ordinance 2018-232 on September 24, 2018 for the purpose of leasing to the

federal government parking spaces at a City-owned parking facility located at 500 E. Marshall Street from October 1, 2018 to September 30, 2023. The federal government is requesting a five (5) year extension to the existing lease from October 1, 2023 to September 30, 2028, a reduction of parking spaces and approval of Exhibit A provision FAR 52.204-27 Prohibition on a Byte Dance Covered Application.

FISCAL IMPACT / COST: This ordinance will have no fiscal impact on the City.

FISCAL IMPLICATIONS: N/A

BUDGET AMENDMENT NECESSARY: None

REVENUE TO CITY: N/A- Revenue included in FY'24 Budget

DESIRED EFFECTIVE DATE: Upon Adoption.

REQUESTED INTRODUCTION DATE: September 11, 2023

CITY COUNCIL PUBLIC HEARING DATE: September 25, 2023

REQUESTED AGENDA: Consent

RECOMMENDED COUNCIL COMMITTEE: Finance and Economic Development-
(September 21, 2023)

CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES: None

AFFECTED AGENCIES: None

RELATIONSHIP TO EXISTING ORD. OR RES.: Ordinance No. 2023-143

REQUIRED CHANGES TO WORK PROGRAM(S): None

ATTACHMENTS: GSA Request for Lease No. 3- GS-03P-LVA12102 and Exhibit A

STAFF: Lynne Lancaster, DPW (646-6006)

GENERAL SERVICES ADMINISTRATION PUBLIC BUILDINGS SERVICE	LEASE AMENDMENT No. 8
	TO LEASE NO. GS-03P-LVA12102
LEASE AMENDMENT	
ADDRESS OF PREMISES 500 EAST MARSHALL STREET Richmond, VA 23219-1808	PDN Number: N/A

THIS AMENDMENT is made and entered into between

Richmond, City of

whose address is: 900 East Broad ST, STE 201
Richmond, VA 23219-1907

hereinafter called the Lessee, and the **UNITED STATES OF AMERICA**, hereinafter called the Government (sub-Lessee):

WHEREAS, the parties hereto desire to amend the above Lease to (i) **reduce the lease by three (3) structured parking spaces for a new total of seventeen (17) structured parking spaces, and (ii) incorporate FAR 52.204-27 Prohibition on a ByteDance covered application (June 2023).**

NOW THEREFORE, these parties for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, covenant and agree that the said Lease is amended, effective upon execution, as follows:

1. Effective October 1, 2023, Part 1, Section A, Paragraph 2c of the GSA Form 3626 (Short Form) is hereby amended by deleting the existing text in its entirety and inserting in lieu thereof the following:

2e: NUMBER OF PARKING SPACES OFFERED – STRUCTURED : **17**”

2. Effective October 1, 2023, Part 1, Section C, Paragraph 5a of the GSA Form 3626 (Short Form) is hereby amended by deleting the existing text in its entirety and inserting in lieu thereof the following:

“5a: AMOUNT OF ANNUAL RENT:
\$23,460.00”

This Lease Amendment contains 3 pages.

All other terms and conditions of the lease shall remain in force and effect.
IN WITNESS WHEREOF, the parties subscribed their names as of the below date.

FOR THE LESSOR:

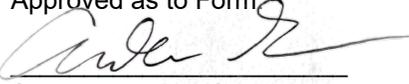
FOR THE GOVERNMENT:

Signature: _____
Name: _____
Title: _____
Entity Name: _____
Date: _____

Signature: _____
Name: Samantha Poole
Title: Lease Contracting Officer
GSA, Public Buildings Service, _____
Date: _____

WITNESSED FOR THE LESSOR BY:

Signature: _____
Name: _____
Title: _____
Date: _____

Approved as to Form:

Senior Assistant City Attorney

- 3. FAR clause 52.204-27 "Prohibition on a ByteDance covered application (June 2023)" is hereby incorporated into the Lease Contract and attached as Exhibit A.

For purposes of clarification of Subsection (c) of the above provision, the parties hereto agree and acknowledge that the requirements of the aforesaid Subsection shall be interpreted to apply only to subcontracts and other contractual instruments which, 1) relate specifically to the leased parking spaces that are the subject of this Lease, and 2) are executed by the City subsequent to the date of execution of this Lease Amendment 8.

INITIALS: _____ & _____
LESSOR GOV'T

EXHIBIT A

FAR 52.204-27 PROHIBITION ON A BYTEDANCE COVERED APPLICATION (JUN 2023)

(a) *Definitions.* As used in this clause—

Covered application means the social networking service TikTok or any successor application or service developed or provided by ByteDance Limited or an entity owned by ByteDance Limited.

Information technology, as defined in 40 U.S.C. 11101(6)—

(1) Means any equipment or interconnected system or subsystem of equipment, used in the automatic acquisition, storage, analysis, evaluation, manipulation, management, movement, control, display, switching, interchange, transmission, or reception of data or information by the executive agency, if the equipment is used by the executive agency directly or is used by a contractor under a contract with the executive agency that requires the use—

(i) Of that equipment; or

(ii) Of that equipment to a significant extent in the performance of a service or the furnishing of a product;

(2) Includes computers, ancillary equipment (including imaging peripherals, input, output, and storage devices necessary for security and surveillance), peripheral equipment designed to be controlled by the central processing unit of a computer, software, firmware and similar procedures, services (including support services), and related resources; but

(3) Does not include any equipment acquired by a Federal contractor incidental to a Federal contract.

(b) *Prohibition.* Section 102 of Division R of the Consolidated Appropriations Act, 2023 (Pub. L. 117-328), the No TikTok on Government Devices Act, and its implementing guidance under Office of Management and Budget (OMB) Memorandum M-23-13, dated February 27, 2023, “No TikTok on Government Devices” Implementation Guidance, collectively prohibit the presence or use of a covered application on executive agency information technology, including certain equipment used by Federal contractors. The Contractor is prohibited from having or using a covered application on any information technology owned or managed by the Government, or on any information technology used or provided by the Contractor under this contract, including equipment provided by the Contractor’s employees; however, this prohibition does not apply if the Contracting Officer provides written notification to the Contractor that an exception has been granted in accordance with OMB Memorandum M-23-13.

(c) *Subcontracts.* The Contractor shall insert the substance of this clause, including this paragraph (c), in all subcontracts, including subcontracts for the acquisition of commercial products or commercial services.

(End of clause)