

Timeline for EPA Move From KCK to Lenexa, KS

1971- the EPA Region 7 office was located at the former TWA Headquarters at 17th and Baltimore in KCMO

1979- EPA moved to 11th and Oak in the old SW Telephone building in KCMO

1985 - EPA moved to 726 Minnesota Avenue in KCK

1999 – EPA moved into the present building at 901 N 5th in KCK

Aug 2008 - The location section for the solicitation was written to use in an eventual GSA Solicitation for Offers. This section was not re-written to comply with Presidential Executive Order 13514 or prioritize for Sustainable Locations that are well served by public transit, even though the solicitation didn't happen for more than two years.

October 2008 - Formal dialog is initiated with Rubicon GSA1 Kansas City, KS, LLC on succeeding lease terms. (Informal discussions began in 2007)

April 2009 - Change of ownership from “Rubicon GSA 1” to “901 N. 5th St. LLC c/o Urban America”

June 2009 - The current lease expired and although GSA kept working with Urban America the GSA began planning for alternate scenarios. EPA in holdover status while negotiations continued.

Oct 5, 2009 - President Obama signed Executive Order 13514 - Section 10 was added which prioritizes siting locations for federal facilities to sustainable locations and sustainable communities. He ordered a set of recommendations be developed to further clarify the siting process. The GSA and EPA are involved in developing these recommendations

October 2009 – Lease extended until December 2010. GSA notifies Congress of intent to expand the delineated area in an effort to seek competition. GSA works with EPA (local and national) to assemble revised space program requirements for the purpose of seeking full and open competition. **TAN believes at this point KCMO should have been included in the search in order to prioritize staying in a city center.**

November 2009 – GSA commences market search of available properties. The research began in the Kansas City, Kansas, central business district and was expanded until an adequate number of qualifying properties could be reasonably thought to compete. The delineated area was established as “the Kansas City, Kansas, Metropolitan Area, defined as within the state of Kansas and a maximum of 20 miles driving distance from the EPA Science and Technology Center, 300 Minnesota Avenue, Kansas City, Kansas.”

Dec 16, 2009 – No response from the government about the new boundary for the search resulted in the extension of the search distance and the limitation to Kansas.

Feb. 5, 2010 - The EPA created the Office of Sustainable Communities to encourage communities to take an integrated approach in making environmental, housing and transportation decisions. Region 7 EPA is actively involved in this program.

Oct 13, 2010 - The US EPA Region 7 Headquarters, Kansas City, KS provided the GSA with their requirements for the new facility in the *Program of Requirements*. The EPA requirements did not mention siting the building in a sustainable location and community although it covers having a sustainable building. The Office of Sustainable Communities was left out of the organization list.

Oct 15, 2010 - The GSA released the Solicitation for Offers to get bidders for the new facility.

A. Section 1.9 on Location called for either a

- a. **CITY CENTER NEIGHBORHOOD**, which includes *Public Transportation* located within the immediate vicinity of the building, but generally not exceeding a 1/4 mile walking distance. The current EPA building is the only building to qualify for the Solicitation in this category.
- b. **OUTSIDE OF CITY CENTER NEIGHBORHOOD**, which requires plenty of parking but no public transportation requirements. This category allowed the building to move to an unsustainable suburban location.

B. Section 2.2 on Sustainability only has requirements for the building. Nothing is mentioned about sustainable locations or communities

TAN contends that the solicitation location (section 1.9 which was written Aug 2008) and sustainability section (2.2) were obsolete at October 15, 2010 and there had been sufficient time for the offer to be rewritten to comply with this and previous Presidential Executive Orders.

Nov 2010 - Lease extended to June 2012.

March 2011 - GSA receives best and final offers.

April 4, 2011 - GSA awarded a 10 year lease to Lexington LAC Lenexa for \$53,894,541.00 plus escalations.

It is a firm term (10 years) and approximately \$53,894,541.00 plus escalations, which averages \$27.81/RSF (rentable square feet per year). This is well within the congressional cap of \$30.50/RSF.

It is obvious why this building was able to come in as the low bid. The cost for years 2-10 ranges from \$5,378,782.50 (\$27.75/RSF) to \$6,331,437.44 (\$35.57/RSF). However, year one is only \$1,268,822.50 (\$6.55/RSF). **The average cost is greatly reduced by allowing a low-ball rent, which is far below market rates. Saving money is good,**

but not by limiting competition. Missouri should have been able to participate in the solicitation.

April 15, 2011 - GAO notified GSA of formal bid protest by the owner of the current EPA facility

July 25, 2011 - Deadline for GAO to rule on whether GSA followed the law in this procurement.

April 2012 - Estimated occupancy date for the new building

Transit Action Network – July 15,2011