

**EXECUTIVE ORDER 13658**  
**DETERMINATION OF APPLICABILITY**

Grantee: City of Seattle

DACA Number: DACA67-1-17-27

Background:

1. The RECO shall apply a Three Part Test to all real estate instruments IAW Executive Order 13658, "Establishing a Minimum Wage for Contractors", and the powerpoint presentation dated 26 February 2015 prepared by Tom Angel, HQUSACE Office of Counsel:

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- a. Is it a "new" instrument entered into with the Federal Government?
  - b. Is it in connection with Federal property or lands?
  - c. Is it related to offering services for Federal employees, their dependents, or the general public?

2. For each real estate instrument:

- a. If the answer to **ALL** three parts of the Three Part Test is affirmative, then the requirements of the Executive Order apply and two clauses must be inserted into the instrument (i.e. **Clauses 1 and 3** from the Appendix that was prepared by HQUSACE Office of Counsel and is attached hereto).
- b. If the answer to **any one** of the parts of the Three Part Test is negative, then the requirements of the Executive order **DO NOT** apply; however, two clauses must be inserted into such instrument (i.e. **Clauses 2 and 3** from the Appendix that was prepared by HQUSACE Office of Counsel and is attached hereto).

Determination:

With respect to the referenced real estate instrument, I find that EO 13658:

DOES APPLY \_\_\_\_\_

DOES NOT APPLY \_\_\_X\_\_\_

Reason: The proposed lease will be issued to the City of Seattle as the Reuse Authority pending a BRAC disposal. The purpose of the lease is for "for administration, training, storage and minor maintenance" by the City and services for Federal Employees or their dependents will not be provided. Furthermore use of the premises by and for the general public is also not authorized and consequently the lease does not meet the third requirement of the three part test outlined

Date: 29 June 2017

  
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TODD L. CZARNECKI  
Chief, Real Estate Office  
Real Estate Contracting Officer