

Frequently Asked Questions

Why does the Army want to develop these old buildings?

- Federal agencies are required under Section 111 of the National Historic Preservation Act (NHPA) to consider alternative uses of historic properties that are not needed for current or projected agency needs. These alternatives may include rehabilitation for adaptive reuse or leasing. Retention of the buildings through some mechanism preserves the appearance of the historic district.

Are there any zoning requirements?

- Local zoning requirements do not apply on Fort Bliss. However, Fort Bliss has its own “zoning” type requirements. This issue will be addressed during the Business and Leasing (B&L) Plan phase of the project.

Are these buildings subject to City of El Paso building codes?

- No. However, final requirements will be determined during the B&L Plan phase of the project.

Are the building interiors also affected by historical preservation requirements?

- The Secretary of the Interior’s Standards for Treatment of Historic Property apply to both the interior as well as the exterior of historic structures. The basic rule of thumb is “repair when possible, replace in-kind when not possible,” however, there is a lot of flexibility in the standards to allow creative solutions to balancing historic preservation requirements with other requirements, such as handicap accessibility, lead and asbestos remediation, and so forth. Less significant interior spaces, such as kitchens, bathrooms, and attics afford even more flexibility in construction methods and materials. The standards may be viewed at <http://www2.cr.nps.gov/tps/secstan1.htm>. The final preservation requirements will be determined during the creation of the B&L Plan phase of the project.

Does Ft Bliss intend to lease any of the buildings or developed space back from the private developer after renovation?

- No.

Are there any uses or tenants that would be prohibited?

- Yes. All uses and tenants must support or enhance Ft Bliss and/or the Department of Defense mission. Certain activities are specifically excluded, such as political activities, gambling and activities that may be in direct competition with AFES, without its prior permission. In addition, the Department of Defense has a list of organizations with which it will not do business.
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Does Ft Bliss have any preferred contractors, users, or tenants that it would like to have lease or renovate the facilities?

- No. The developer will be selected on the basis of a competitive, “best value,” process. The criteria for the “best value” determination are stated in the Notice of Availability to Lease (NOL). It will be part of the selected developer’s responsibilities to identify tenants to maximize the use in these facilities while enhancing and retaining the significance of the historical amenities.

What power and other utility services are available to the building(s)?

- Electric, Water, Gas, and Sewage are all available through the local utility providers. It will be the responsibility of the selected developer to arrange for all utility services.

Under an Enhanced Use Lease, what property responsibilities will the successful developer assume?

- The developer/Lessee will retain all responsibilities of the property with all the attributes, benefits, and risks. These include the costs of utilities/municipal services, marketing and pre-development costs, development loans, facility maintenance and repairs, historic preservation, environmental protection and remediation, lead based paint and asbestos removal, soil and water conservation, taxes and insurance (property and liability), and consideration owed to the government for the use of the structures and underlying land.

Can the selected developer benefit from historic preservation tax credits?

- Please review Army/ Pickle Amendment Historic Tax Credit memorandum displayed on this website.

Is the property envisioned for this project subject to real estate taxes? Will the construction be subject to sales tax, permit fees, or Davis Bacon?

- *Proposers are advised to check with their tax and other counsel on all tax, fee, and rate issues.* Final determination will be identified during the B&L Plan development.

- It is not envisioned that the Davis Bacon Act will apply to this Enhanced Use Lease (EUL) project.

What level of security will there be for Fort Bliss and for these buildings?

The selected developer will be required to relocate the existing sentry post to the site boundary with the hospital and provide a fence between the remaining Army properties to the east and west.

What would the implications be for non-federal tenants if the post's security level were raised?

Upon completion of the fencing separation, the site will no longer be subject to any security access requirements.

Is a 50-year lease term the statutory limit?

- No. The law provides for a 5-year lease term, but gives the flexibility to offer a longer term. Congress and the Office of Management and Budget are comfortable with a 50-year out lease.

At what point in the NOL process would financial considerations be set (in terms of the financial deal becoming part of the lease)?

- Financial considerations can be negotiated during the entire B&L Plan phase of the project, but will be finalized only upon execution of the master lease.

What is the proposal deadline?

- The proposed deadline is tentatively 3 May 2004. Check the project website frequently for updates and for further information.

Who is on the selection committee?

- Names of individuals selected for the committee will not be disclosed to the public.

Is there an expectation that at the submittal stage, proposals will present a fully planned and prepared design and construction team?

- No. However, the evaluation team would like to see as much detail as the developer believes is necessary to give evidence that the bidder presents a sound design and construction team. The evaluation team would like to know who the main participants would be, as well as any equity contributors. At the same time, the evaluation team does not need to know the identity of every subcontractor.

Does the government expect to have input into the selection of the design team and general contractor?

- No, but these firms and individuals will need to be identified in the proposals.

Can I get a list of the attendees and presentations from the industry forum?

- The attendee list will be posted on this website following the Industry Forum at Ft Bliss.

Where can I find more information about other EUL activities?

- Contact Erich Kurre at HQ DA Erich.Kurre@hqda.army.mil, or (703) 692-9229.

When will the final decision to develop William Beaumont Hospital Historic District be made?

- The final decision to develop these historic structures will be made after completion of negotiations of the Business and Leasing Plan. Factors to be considered include, but are not limited to: Planned adaptive reuse by the developer; consideration offered by the developer (including renovation in accordance with historic preservation standards and; term of lease necessary to “make the project work.” The Assistant Secretary of the Army for Installations and Environment, ASA (I&E), has final approval authority for the Business and Leasing Plan.

When will construction be permitted to begin?

- The actual start date for construction will be negotiated as part of the lease agreement. However, construction cannot begin before the lease is signed and approved by the Secretary of the Army.

Is there a time deadline for completion?

- Completion time will be negotiated as part of the Business and Lease Plan

Environmental Issues

What does NEPA stand for?

- National Environmental Policy Act (NEPA). NEPA text may be viewed at: <http://ceq.eh.doe.gov/nepa/regs/nepa/nepaegia.htm>. Also, more information at <http://ceq.eh.doe.gov/nepa/nepanet.htm>.

Has there been or will there be an Environmental Assessment (EA)?

- An EA was previously prepared for the purpose of using the site for Army Family Housing. This EA will be supplemented based on the information furnished in the submitted proposals. The identified preferred alternative for the supplemental EA will be based on the selected developer's proposal.

Has an Environmental Baseline Survey (EBS) been prepared for the site to be leased?

- Yes. A copy of the Environmental Baseline Survey is provided on this web site.

Are there any remedial actions or indemnifications planned?

- Not at this time.

Where can I get a copy of the §2667 (EUL) legislation?

- The Enhanced Use Leasing legislative authority of the Department of the Army (10 U.S.C. §2667) may be found at <http://www4.law.cornell.edu/uscode/10/2667.html>. It is also posted on this website.

Where can I get a copy of the National Historic Preservation Act?

The full text of the National Historic Preservation Act may be found at <http://www2.cr.nps.gov/laws/NHPA.pdf>. The most important clauses are Section 106, Section 110 and Section 111. Section 106, which requires consideration of the potential effects of proposed projects on historic properties and consultation with the State Historic Preservation Office and Advisory Council on Historic Preservation, is implemented through 36 CFR Part 800, which may be found at <http://www.achp.gov/regs.html>.

What is Section 106 review?

- A Section 106 review is a process mandated by the NHPA and outlined in regulations issued by the Council. The review is to determine whether undertakings proposed by Federal agencies could affect historic properties, whether there is Adverse Effect or No Adverse Effect, and how any Adverse Effect may be avoided, minimized or mitigated. The object of the Section 106 review is to have the agency and the SHPO come to an agreement on the issues. The terms of the agreement normally are outlined in a Programmatic Agreement (PA) or Memorandum of Agreement (MOA). For more details please refer to <http://www.achp.gov/faq.html#106>.

What is the Advisory Council on Historic Preservation (ACHP)?

- The Advisory Council on Historic Preservation (ACHP) is the federal agency charged with commenting on federal undertakings that might affect historic properties. Under the 2000 revisions to the National Historic Preservation Act, more of the ACHP authority was shifted to the State Historic Preservation Officer (SHPO). Fort Bliss coordinates and consults with the SHPO in cases where proposed actions will have no adverse affect on historic properties. The ACHP is brought into the consultation process when there is a possibility that a planned undertaking will adversely affect historic properties on Fort Bliss.