

Authorization ID [redacted]  
Contact ID [redacted]  
Expiration Date [redacted]

FS-2700-14b (09/2020)  
OMB 0596-0082

<Delete user notes before printing.>

<USER NOTES>

<Replace bracketed text with applicable text, and delete brackets.>

U.S. DEPARTMENT OF AGRICULTURE  
FOREST SERVICE

LEASE FOR FOREST SERVICE ADMINISTRATIVE SITES  
APPENDIX E [current 4 digit fiscal year]  
IN-KIND CONSIDERATION AGREEMENT

AUTHORITY:

Section 8623 of the Agriculture Improvement Act of 2018,  
Pub. L. No. 115-334, 132 Stat. 4853, 16 U.S.C. 580d note  
<Reference FSM 2750>

This In-Kind Consideration Agreement (agreement) is executed by [lessee name] (the lessee) and the U.S. Department of Agriculture, United States Forest Service, [forest name] National Forest (the Forest Service), on [date agreement is fully executed], under section 8623 of the Agriculture Improvement Act of 2018, Pub. L. No. 115-334, 132 Stat. 4853, 16 U.S.C. 580d note, and clauses IV.C.2 and VI.E of the Lease for Forest Service Administrative Sites executed on [date lease is fully executed] (lease).

<USER NOTES FOR PARAGRAPH 1>

<Include and complete the highlighted text in paragraph 1 if payment of annual rent is being consolidated for multiple years for large-scale projects. Otherwise, delete the highlighted text.>

1. Amount of Rent Subject to In-Kind Consideration. The total annual rent for the lease is \$[amount]. All or part of that rent may be paid in kind for approved costs incurred by the lessee, in accordance with this agreement and clauses VI.C.2 and VI.E of the lease, for the construction of new facilities or improvements in the lease area; Government maintenance, repair, improvement, or restoration of facilities or improvements in the lease area; and services relating to activities that occur in the lease area. Payment of the annual rent for [number of years consolidated] years of the lease is consolidated under this agreement, for a total consolidated rental payment of \$ [amount], all of which may be paid in kind.

2. Projects and Project Costs Covered by this Agreement. The actual cost of in-kind consideration that is satisfactorily completed as determined by the Forest Service may be considered as payment in kind against the lessee's rental obligation, subject to the Forest Service's determination that the actual costs are based on fair market value. Due dates and cost estimates for completion of the in-kind consideration are enumerated in the table below. In-kind consideration to be performed by the lessee shall be completed by the date specified and within the lessee's fiscal year for the year the rent is due. The Forest Service may modify the in-kind consideration and dates as necessary, after consultation with the lessee.

3. Davis-Bacon Act Requirements.

a. Improvement of Federally Owned Facilities or Improvements. Improvement of federally owned facilities or improvements in the lease area performed as in-kind consideration under this agreement is subject to the Davis-Bacon Act, 40 U.S.C. 3141 *et seq.*, and its implementing regulations at 29 CFR 5.5 when:

(1) The total estimated cost of the improvement work to be performed as in-kind consideration under this

agreement exceeds \$2,000; and

(2) The lessee is a private entity or a state or governmental entity that is subcontracting with a private entity for the work.

b. Construction of New Facilities or Improvements. Construction of new facilities or improvements in the lease area performed as in-kind consideration under this agreement is subject to the Davis-Bacon Act, 40 U.S.C. 3141 *et seq.*, and its implementing regulations at 29 CFR 5.5 when:

(1) The total estimated cost of the construction work to be performed as in-kind consideration under this agreement exceeds \$2,000;

(2) The lessee will be transferring title to the United States to the new facilities or improvements upon completion; and

(3) The lessee is a private entity or a state or governmental entity that is subcontracting with a private entity for the work.

c. Incorporation of Davis-Bacon Act Regulatory Requirements. The regulatory requirements in 29 CFR 5.5 are incorporated by reference into this agreement as if fully set forth in this agreement.

4. Documentation of Actual Costs. Upon a determination by the Forest Service that the in-kind consideration has been satisfactorily completed by the lessee, the lessee shall submit documentation of its actual costs to the Forest Service and shall certify, using Form FS-2700-453, Claim for In-Kind Consideration Costs, that the representations in that documentation are accurate and complete. The certification shall be signed and dated, and shall state that failure to sign the certification shall vitiate the claim for in-kind consideration. The Forest Service shall verify all documentation and shall determine that the actual costs are based on fair market value before accepting any in-kind consideration against the lessee's rental obligation. The Forest Service reserves the right not to accept in-kind consideration against the lessee's rental obligation if any representations made by the lessee are inaccurate or incomplete. The Forest Service also reserves the right before acceptance of in-kind consideration to adjust the actual costs as necessary to reflect fair market value.

The lessee shall perform the in-kind consideration itemized below under this agreement:

Description of In-Kind Consideration	Due Date	Estimated Cost	Completion Date	Actual Cost
[specify types of in-kind consideration]				

Signed: \_\_\_\_\_  
 Lessee Name, Preceded by Name and Title of Person  
 Signing on Behalf of Lessee, if Lessee is an Entity

\_\_\_\_\_  
 Date

Signed: \_\_\_\_\_  
 [Name and Title of Authorized Officer]

\_\_\_\_\_  
 Date

According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond, to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0596-0082. Response to this collection of information is mandatory. The authority to collect the information is the Organic Administration Act, 16 U.S.C. 551. Public reporting burden for collection of information, if requested, is estimated to average 1 hour per response, including the time for reviewing instructions, searching data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

In accordance with Federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, the USDA, its Agencies, offices, and employees, and institutions participating in or administering USDA programs are prohibited from discriminating based on race, color, national origin, religion, sex, gender identity (including gender expression), sexual orientation, disability, age, marital status, family/parental status, income derived from a public assistance program, political beliefs, or reprisal or retaliation for prior civil rights activity, in any program or activity conducted or funded by USDA (not all bases apply to all programs). Remedies and complaint filing deadlines vary by program or incident.

Persons with disabilities who require alternative means of communication for program information (e.g., Braille, large print, audiotape, American Sign Language, etc.) should contact the responsible agency or USDA's TARGET Center at (202) 720-2600 (voice and TTY) or contact USDA through the Federal Relay Service at (800) 877-8339. Additionally, program information may be made available in languages other than English.

To file a program discrimination complaint, complete the USDA Program Discrimination Complaint Form, AD-3027, found online at How to File a Program Discrimination Complaint and at any USDA office or write a letter addressed to USDA and provide in the letter all of the information requested in the form. To request a copy of the complaint form, call (866) 632-9992. Submit your completed form or letter to USDA by: (1) mail: U.S. Department of Agriculture, Office of the Assistant Secretary for Civil Rights, 1400 Independence Avenue, SW, Washington, D.C. 20250-9410; (2) fax: (202) 690-7442; or (3) email: [program.intake@usda.gov](mailto:program.intake@usda.gov).

USDA is an equal opportunity provider, employer, and lender.

The Privacy Act of 1974, 5 U.S.C. 552a, and the Freedom of Information Act, 5 U.S.C. 552, govern the confidentiality to be provided for information received by the Forest Service.