Authorization ID
Contact ID _____
Expiration Date _____

FS-2700-14b (XX/202X)
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 AND PAID SICK LEAVE REQUIREMENTS.** In-kind consideration paid under this agreement and costing over $2,000 is subject to the Davis-Bacon Act, 40 U.S.C. 3141 *et seq*., and its implementing regulations, including the Davis-Bacon Act clause at 29 CFR 5.5 and Executive Order 13706, *Establishing Paid Sick Leave for Federal Contractors*, and its implementing regulations, including the federal contractor paid sick leave clause at 29 CFR Part 13, Appendix A. These regulatory requirements are incorporated by reference into this agreement as if fully set forth in this agreement.

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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 lesee 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 Lesse is an Entity — Date

Signed: _____ _____
[Name and Title of Authorized Officer] — Date

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PAPERWORK REDUCTION ACT STATEMENT

According to the Paperwork Reduction Act of 1995, a Federal agency may not conduct or sponsor, and a person is not required to respond to, an information collection request unless it displays a valid Office of Management and Budget (OMB) control number. The valid OMB control number for this information collection request is 0596-0082. Response to this information collection request is required to obtain or retain benefits, specifically, a special use authorization. The authority for this information collection request is the Forest Service Facility Realignment and Enhancement Act of 2005, Title 5, the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2006, Pub. L. No. 109-54, 119 Stat. 499, 561, 16 U.S.C. 580d note, as amended. The time required to complete this information collection request is estimated to average 2 hours per response, including the time for reviewing instructions, searching existing data sources, collecting and maintaining the data needed, and completing and reviewing the information collection request. Send comments regarding this burden estimate or any other aspect of this information collection request, including suggestions for reducing the burden, to Forest Service Information Collections Officer, SM.FS.InfoCollect@usda.gov, with OMB control number 0596-0082 in the subject line.

PRIVACY ACT STATEMENT

Pursuant to 5 U.S.C. § 552a(e)(3), this Privacy Act statement serves to inform you of the following concerning the collection of the information on this form.

Purpose: The Privacy Act of 1974 requires that the Director of Recreation, Heritage, and Volunteer Resources staff and the Director of Lands, Minerals, and Geology Management staff provide the following statements to individuals from whom they request information.

Authority: Collection of this information solicited on this form is authorized by the Forest Service Facility Realignment and Enhancement Act of 2005, Title 5, the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2006, Pub. L. No. 109-54, 119 Stat. 499, 561, 16 U.S.C. 580d note, as amended.

Routine Uses: The information collected will be used by Forest Service officials to ensure that your use of National Forest System lands is administered in accordance with applicable statutes, regulations, and directives. The information collected from you is retained in the Special Uses Data System (SUDS) and is retrieved by the Forest Service create reports for the Agency's Special Uses Program, generate bills for collection of land use fees for your authorization, monitor compliance with your special use authorization, and other matters pertaining to administration of your special use authorization. SUDS is a component of the Forest Service's Natural Resources Manager database (NRM). A complete list of the routine uses of NRM can be found in the system of records notice associated with this form, FS-24.

Disclosure: The submission of this information is required to obtain or retain benefits, specifically, a special use authorization.

NONDISCRIMINATION STATEMENT

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, 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 State or local Agency that administers the program or contact USDA through the Telecommunications Relay Service at 711 (voice and TTY). 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 the information requested in the form. To request a copy of the complaint form, call (866) 632-9992. Submit the 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.

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