



April 6, 2020

Mr. Anthony Costa
Associate Executive Director Department of Veterans' Affairs
810 Vermont Avenue NW (003C), Washington, DC 20420

Subject: Critical Issues for Action by the Department of Veterans' Affairs ("VA")
Leadership

Dear Tony,

Considering recent Covid-19 developments, we are writing to appeal to you and VA's leadership to assist VA's lessor community with critical issues. NFDA polled constituents and identified issues hindering ongoing construction of VA Community Based Outpatient Clinics ("CBOCs"), as follows:

1. Local Government – Many local government offices are closed or functioning minimally. Lessors find reduced hours, delayed calendars, refused meetings, and cancelled inspections, and thus local approvals for needed permits, etc. are unobtainable and imposing delay on numerous CBOC projects.

Solution: VA waiver of the requirement for local permitting approval required under CBOC VA leases.

2. Labor for Construction of CBOCs – Stay-at-Home and Shelter-In-Place local mandates leave subcontractors and laborers uncertain if they may work. For example, California issued early stay-at-home orders and on March 22, 2020, issued its own list of "Essential Critical Infrastructure Workers". This list uses the CISA Guidance on the Essential Critical Infrastructure Workforce Memorandum of March 9, 2020 as a base. However, it incorporates "Construction Workers" on page 11 of the State Executive Order as "Essential".

Solution: VA consult the Department of Homeland Security ("DHS") - CISA to assure clarity that construction and operation of VA's government medical facilities are critical and excepted as essential under the 16 critical infrastructure categories and therefore allowed to report and conduct work on CBOCs.

3. Supply Chain Disruptions – Supply chains of medical equipment and other complex construction equipment are being stretched, which is leading to a longer lead time for receipt and installation of critical CBOC equipment.

Solution: VA is requested to expedite VA's equipment orders from manufacturers at construction onset for long lead items in anticipation of and to manage supply chain disruption.

Lastly, we wanted to make VA aware of General Services Administration (GSA) instituted practices for increased cleaning of leased space and compensation of Government lessors for increased cleaning and janitorial as an integral step to protect Federal employees and tenants. Specifically, GSA provides lessors with copies of the Centers for Disease Control and Prevention's (CDC) "[Interim Guidance for Businesses and Employers](#)" to plan, prepare and respond to COVID-19. Based on these guidelines, GSA has asked lessors to provide additional cleaning services, as well as increased access to antibacterial soaps and hand sanitizer. See <https://www.gsa.gov/governmentwide-initiatives/emergency-response/covid19-coronavirus>.

NFDA appreciates the opportunity to alert you to the above issues in an effort to collaboratively mitigate impact on the timely delivery and continued operation of critical VA medical facilities. We appeal to you to assist us in finding and crafting solutions, and NFDA offers to keep you informed of any newly identified issues noted in CBOCs in future communications.

On behalf of the NFDA Board and with best regards,

A handwritten signature in cursive script, reading "Greg Margetich".

Gregory F. Margetich
Executive Chairman of NFDA