

Date: May 5, 2021

From: Acting Associate Executive Director, Office of Real Property (003C7)

Subj: Office of Construction and Facilities Management Real Property Policy  
Memorandum 2021-01 - Interim Digital Signature Policy for Real  
Property Lease Documents

To: All VA Leasing Officials

1. The purpose of this memorandum is to issue interim policy for use of certified digital signatures on real property lease documents, to include lease awards and lease amendments. This policy does not restrict the use of manual, or wet, signatures on real property lease documents. Statutory and regulatory obligations, along with agency and administration specific requirements for pre-execution reviews, are not changed by this policy.
2. Background:
  - a. As the Department of Veterans Affairs (VA) real property leasing program operates under General Services Administration (GSA) delegated leasing authority, VA is not authorized to digitally execute lease contracts and amendments without prior approval from GSA's Office of Leasing per GSA Leasing Alert 19-07. Therefore, VA sought and received authorization from GSA to digitally execute lease contracts and amendments.
  - b. Such authorization supports VA's continued obligation under the Government Paperwork Elimination Act (Title XVII of Public Law 105-277) while maintaining compliance with The Electronic Signatures in Global and National Commerce Act (Section 101, Public Law 106-229).
3. Policy:
  - a. VA Lease Contracting Officers (LCO's) choosing to utilize digital signatures may only use VA-issued Personal Identity Verification (PIV) card-based Public Key Infrastructure (PKI) digital certificates to electronically sign lease contract documents and amendments. Initials may be entered digitally, as applicable.
  - b. VA LCO's may accept digital signatures on lease documentation from authorized individuals with authority to legally bind the business in accordance with the proof of signatory authority outlined in the lease. Acceptance of digital signatures may only be made after validation through the use of Adobe

Acrobat digital signature validation procedures, available at: [https://helpx.adobe.com/acrobat/using/validating-digital-signatures.html#validate\\_a\\_digital\\_signature](https://helpx.adobe.com/acrobat/using/validating-digital-signatures.html#validate_a_digital_signature). If signature validation is unsuccessful, the LCO should reject the digitally signed document and instruct the authorized signer to provide a manual, or wet, signature.

- c. VA LCO's are required to comply with all applicable federal laws and regulations regardless of whether digital or manual signatures are utilized.

4. References:

- a. Federal Acquisition Regulation Subparts 4.101 and 4.502(d)
- b. GSA Acquisition Manual (GSAM) Subparts 504.101 and 504.502
- c. VA Acquisition Manual (VAAM) Subpart M804.101
- d. VA Handbook 6510, VA Identify and Access Management
- e. 41 USC § 2301, Use of Electronic Commerce in Federal Procurement
- f. Public Laws 105-277 and 106-229
- g. GSA Leasing Alert (LA) 19-07, Digital Signatures on Lease Contracts and Lease Amendments
- h. GSA Office of Leasing Approval for VA to Digitally Execute Leasing Actions, dated December 3, 2020

- 5. Further policy updates will be implemented as necessary due to changing operating environments or technology in accordance with VA's delegated GSA leasing authority.
- 6. This policy is effective immediately and will remain in effect until otherwise changed or rescinded. VA LCO's must comply with this guidance.
- 7. Additional questions related to this policy should be directed to Brandilyne Stockstill, Director, Real Property Policy and Programs, ORP, at (202) 329-6538 or by email at [brandilyne.stockstill@va.gov](mailto:brandilyne.stockstill@va.gov).

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**1740501**

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