

Federal Property Management Regulations

§ 101-45.103-3

101-45.4903 Optional forms.
101-45.4903-15 Optional Form 15, poster, Sale of Government Property.
101-45.4903-16 Optional Form 16, Sales Slip, Sale of Government Personal Property.
101-45.4903-20 Optional Form 20, Notice to Surety—Deposit Bond—Annual Sale of Government Personal Property.

AUTHORITY: Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c), §§101-45.400 to 101-45.405 also issued under sec. 307, 49 Stat. 880; 40 U.S.C. 304f.

SOURCE: 30 FR 2930, Mar. 6, 1965, unless otherwise noted.

§ 101-45.000 Scope of part.

This part prescribes policies and methods governing the disposal by public sale, or abandonment or destruction of personal property (including salvage, scrap, and waste materials) owned by the Government except foreign excess property and the recovery of precious metals. Additional guidelines regarding the sale, abandonment, or destruction of hazardous materials are prescribed in part 101-42.

[57 FR 39137, Aug. 28, 1992]

§ 101-45.001 Requests for deviations.

Deviations from the regulations in this part shall only be granted by the Administrator of General Services (or designee). Requests for deviations shall be made in writing to the General Services Administration (FB), Washington, DC 20406, with complete justification. A copy of the authorizing statement for each deviation, including the nature of the deviation, the reasons for such special action, and the Administrator's or designee's approval, will be available for public inspection in accordance with subpart 105-60.3.

[53 FR 16120, May 5, 1988. Redesignated at 59 FR 50696, Oct. 5, 1994]

Subpart 101-45.1—General

§ 101-45.101 Applicability.

(a) This part 101-45 applies to all agencies in the executive, legislative, and judicial branches of the Government, except the Senate, the House of Representatives, and the Architect of the Capitol and any activities under his direction, to the extent provided in the Federal Property and Administrative Services Act of 1949, as amended

(hereinafter generally referred to in this part 101-45 as "the Act").

(b) The provisions of this part 101-45, relating specifically to sales of surplus personal property, do not apply to sales by the Secretary of Defense made pursuant to 10 U.S.C. 2576.

[34 FR 5172, Mar. 13, 1969]

§ 101-45.102 Needs of Federal agencies paramount.

Any need for personal property expressed by any Federal agency shall be paramount to any disposal, if such need is made known to the holding or selling agency prior to actual removal of the property from Government control in the case of sale.

[53 FR 16121, May 5, 1988]

§ 101-45.103 Sales responsibilities.

§ 101-45.103-1 Conduct of sales.

Heads of Federal agencies, or their designees, are responsible for determining whether their agencies will (a) report their personal property to the General Services Administration (GSA) for sale for a fee for services rendered or (b) conduct or contract for the sale of their own property. If agencies elect to sell their own property, a designation indicating such shall be entered on their reports of excess personal property to prevent GSA from automatically programming the property for sale.

[59 FR 50696, Oct. 5, 1994]

§ 101-45.103-2 Holding agency sales.

All provisions of Parts 101-45 and 101-46 shall be followed in conducting sales of Government-owned personal property. Agency internal procedures shall be issued to ensure compliance and uniformity and to protect the integrity of the sales process.

[59 FR 50697, Oct. 5, 1994]

§ 101-45.103-3 Sales by GSA.

(a) For property reported to GSA for disposal, the following basic services will be provided at reimbursable rates established by GSA on an annual basis.

(1) Auction and spot bid sales. The following services are covered under the basic rate:

- (i) Property cataloging;
- (ii) Maintenance of mailing list;
- (iii) Printing and distribution of announcement to bidders on mailing list;
- (iv) Normal media advertising (one newspaper or equivalent);
- (v) Registration of bidders;
- (vi) Auctioneer;
- (vii) Onsite contracting officer;
- (viii) Award document preparation;
- (ix) Onsite collection of proceeds;
- (x) Follow-on collection of late payments;
- (xi) Security service;
- (xii) Deposit of proceeds;
- (xiii) Distribution of proceeds;
- (xiv) Financial and property line item accountability; and
- (xv) Contract administration.

(2) Sealed bid sales. The following services are covered under the basic rate:

- (i) Property cataloging;
- (ii) Maintenance of mailing list;
- (iii) Printing/distribution of invitation for bids to bidders on mailing list;
- (iv) Bid opening;
- (v) Contract awards;
- (vi) Preparation of award documents;
- (vii) Financial and property line item accountability; and
- (viii) Contract administration;

(b) GSA will deduct service charges from the proceeds of sale.

(c) For sales proceeds that are reimbursable to the holding agency, net proceeds (sales proceeds less GSA's direct, and indirect costs) will be distributed to the agency via the on-line payment and accounting control (OPAC) system.

(d) A portion of the proceeds from the sale of nonreimbursable surplus property will also be retained by GSA to cover its direct and indirect costs. The net proceeds will be deposited to miscellaneous receipts of the Treasury.

(e) Rates for accessorial services, including transportation, storage, maintenance, and reconditioning of property prior to sale, will vary according to local market conditions and will be published in GSA regional bulletins available from the servicing GSA region.

(f) Agencies may be consulted to assist GSA in the determination of the best method of sale and their requirements for accessorial services.

(g) Property for which the sales contract is terminated for default will be resold at no cost to the holding agency. Property for which the sales contract is terminated for cause, e.g., misdescription of the property, will be resold at the holding agency's cost if the cause is attributable to the holding agency.

[59 FR 50697, Oct. 5, 1994]

§ 101-45.103-4 Sales conducted at holding agency facilities.

If GSA sells property from holding agency facilities, holding agencies shall be responsible for the following:

(a) Providing the appropriate GSA regional office with information necessary for effective sale of property and the accounting data for appropriate application of gross proceeds;

(b) Transporting property to a consolidated sales site when agreed to by the holding agency and GSA;

(c) Providing for the inspection of property by prospective bidders;

(d) Providing facilities for the conduct of sales and the essential administrative, clerical, or labor assistance when requested by GSA; and

(e) Assisting in the physical lotting of property to be sold at agency facilities.

[59 FR 50697, Oct. 5, 1994]

§ 101-45.104 Care and handling pending disposal.

Pending disposal, each holding agency shall be responsible for performing, and bear the cost of, care and handling of its property.

§ 101-45.105 Exclusions and exemptions.

§ 101-45.105-1 Materials required for the national stockpile or the supplemental stockpile, or under the Defense Production Act.

This part 101-45 does not apply to materials acquired for the national stockpile or the supplemental stockpile or to materials or equipment acquired under section 303 of the Defense Production Act of 1950, as amended (50 U.S.C. App. 2093). However, to the extent deemed appropriate the provisions of this part 101-45 should be followed in the disposal of such materials.