

§ 101-45.4802

41 CFR Ch. 101 (7-1-02 Edition)

Such notice shall be transmitted by fastest mail available and shall be in synopsis form suitable for printing direct from the text so transmitted without editing or condensing.

These notices are for use of the Department of Commerce in making regular publication of a synopsis of principal proposed sales of Government personal property.

2. Format and content of notice.

a. Information to be furnished. The following information shall be provided in the order listed so as to preserve the format of the Department of Commerce publication: the name of the office which will issue the invitation; the name or title, address, and telephone number of the official from whom copies of the sales offering and other information can be obtained; a description of the property to be sold; when deemed desirable; the total estimated acquisition cost; the number of the invitation or sale; the date of the sale or bid opening, the types of sale, i.e., sealed bid, spot bid, or auction; and the location(s) of the property.

b. Detailed requirements. In preparing the notice to the Department of Commerce, the utmost care should be exercised in describing the types of property to be sold in order to assure interest by the maximum number of potential buyers but, at the same time, condense the information so that minimum space in the Department of Commerce publication will be required for printing. While the various kinds of property to be sold should be stated concisely, the names of important items should not be omitted. The following example is provided as a guide, both as to the order in which the information should be given, the extent to which information should be condensed or expanded, depending upon the size of the sale, and the format which, if followed, will facilitate publication without editing. Attention is specially invited to the double spacing the "hanging" indentation, and the length of the line which should be approximately 65, but not to exceed 69, character spaces.

EXAMPLE

General Services Administration, Region 8, Business Service Center, Building 41, Denver Federal Center, Denver, Colo.

Scrapers, Graders, Street Sweeper, Crawler Tractor, Air Compressors, Power Units, Cement Mixer—Total acquisition cost \$269,850. Invitation No. 8 UPS-65-41—Bid opening 11-30-65. Sealed bid, location above.

Motor vehicles, passenger cars and ¾-ton to 5-ton trucks, materials handling equipment, fork lift trucks and warehouse tractors, jack lift trucks, warehouse trailers, platform and box trucks, hand tools, hardware, plumbing equipment, special industry machinery, office machines, furniture, rope, cable chair and fittings, miscellaneous gasoline and water hose; burlap bags, barrier paper, pack saddles, tape and webbing, lan-

terns, spare parts for compressors, tractors, shovels, bulldozers, cranes, welding equipment, motor vehicles, air hammer diesel and gasoline engines—Total estimated acquisition cost \$6 million; Sale No. 8UPS-A-65-44. Sale starts 12-15-65. Auction sale, location above.

[30 FR 2930, Mar. 6, 1965; 30 FR 3384, Mar. 13, 1965. Redesignated at 42 FR 40855, Aug. 12, 1977]

§ 101-45.4802 Sample format—irrevocable letter of credit.

(Name and address of bank issuing letter of credit)
(Date)
(Number of letter of credit and reference)
Treasurer of the United States
Washington, DC 20220

Dear Madam: We hereby establish our irrevocable letter of credit No. _____ in your favor by order and for account of (name of company submitting bid) up to an aggregate amount of \$ _____ available by demand drafts drawn on us by a representative of (specify agencies to which directed: e.g., Department of the Army, Department of the Air Force, General Services Administration). Drafts must be accompanied by a written statement of the interested agency that the amount drawn under this credit represents (1) the deposit required as a guarantee to support an acceptable bid made by (name of bidder) to purchase material from the Government, or (2) payment in full for the property. Drafts drawn under this credit must be marked "drawn under letter of credit No. _____ of (name and address of issuing bank)."

Unless otherwise expressly stated herein, this credit is subject to the Uniform Customs and Practice for Commercial Documentary Credits© fixed by the 13th Congress of the International Chamber of Commerce. We hereby agree with you that the drafts drawn under and in compliance with the terms of this credit shall be duly honored on due presentation to the (name of the bank) if presented on or before _____.

Very truly yours, (Authorized signature of bank official).

[59 FR 26739, May 24, 1994]

§ 101-45.4803 General instructions for preparation of irrevocable letter of credit.

Use either clause (1) or (2) of § 101-45.4802, as applicable.

Some banks use language which varies from that shown in § 101.45.4802. Variations from the prescribed text maybe permitted if the meaning of the letter of credit prepared by the bank is the same. Each of the paragraphs of the prescribed letter of credit is an

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essential part of the agreement. No paragraphs shall be added and none shall be deleted.

A letter of credit may be addressed to a specific department or agency instead of "Treasurer of the United States," letters of credit of this type shall be addressed to the head of the agency or department, as the Secretary of the Army, or the Administrator of General Services. Should this be done, the words "Treasurer of the United States for the account of" shall be deleted from the draft drawn under the letter of credit.

Each letter of credit must be clearly irrevocable and is not acceptable if the expiration date stated therein is less than 30 days from the date of the sale at which it is used.

[59 FR 26739, May 24, 1994]

§ 101-45.4804 Sample format—draft drawn against irrevocable letter of credit.

FORM OF DRAFT

\$ _____ Date _____
At sight pay to the order of Treasurer of the United States for the account of (specify name of department or agency). _____ dollars and _____ cents for value received—drawn under letter of credit No. _____ of _____

(Name and address of issuing bank)

To _____
(Name and address of bank)
(Name of office—finance or disbursing—and activity of department or agency by which draft is issued.)

By _____
Title _____
Date _____

NOTE: If the letter of credit is addressed to a department or agency rather than the Treasurer, omit the words "Treasurer of the United States for the account of," and in lieu thereof insert the name of the particular department or agency or installation or office thereof.

[30 FR 2930, Mar. 6, 1965. Redesignated at 42 FR 40855, Aug. 12, 1977]

§ 101-45.4805 Sample format—transmittal letter to accompany letter of credit.

OFFICIAL LETTERHEAD

To: Name of bank (same as on L/C).
Gentlemen:

This is to certify that on _____, 196____, at a sale held by the (insert the name of the department or agency) at (insert location) the (insert name and address of company) submitted acceptable bids for property at sales price of \$ _____.

The amount of the accompanying draft, \$ _____, drawn under letter of credit No. _____

_____ represents (1) the deposit of _____ percent of the sales price required as a guarantee to support the acceptable bid made by (insert name of company) to purchase material from the Government, or (2) payment in full for the property on which (insert name of company) submitted acceptable bids.

(Name of office—finance or disbursing—and activity of department or agency to which check is to be forwarded.)

By _____
Title _____
Date _____

NOTE: Strike out the clause in the second paragraph which is not applicable.

[30 FR 2930, Mar. 6, 1965. Redesignated at 42 FR 40855, Aug. 12, 1977]

§ 101-45.4806 Outline for preparation of explanatory statement relative to negotiated sales.

The following outline shall be used for the preparation of explanatory statements relative to negotiated sales:

EXPLANATION STATEMENT OF PROPOSED NEGOTIATED DISPOSAL OF SURPLUS PERSONAL PROPERTY SUBMITTED PURSUANT TO THE PROVISIONS OF SECTION 203(e)(6) OF THE FEDERAL PROPERTY AND ADMINISTRATIVE SERVICES ACT OF 1949, 63 STAT. 386, AS AMENDED (40 U.S.C. 484(c)(6))

Description of property (including quantity and condition).

Use of property (an indication of the use of the property made by the Government).

Location.

Reported excess by (name of agency and date).

Excess and donation screening (show the extent of screening and results).

Acquisition cost and date (if not known, estimate and so indicate).

Income (all income known to the holding agency, if any received by the Government for use of the property).

Estimated fair market value (including date of estimate and name of estimator).

Proposed disposal price.

Proposed purchaser (name and address).

Intended use (state the intended use of the property by the proposed purchaser).

Justification (a narrative statement containing complete justification for the proposed sale and other pertinent facts involved in the Government's decision to sell by negotiation).

[31 FR 5001, Mar. 26, 1966. Redesignated at 42 FR 40855, Aug. 12, 1977]