

State Reviews, Eligibility and Compliance

Day 2 Review

January 28, 2021

- 1) Greg showcased the standardized eligibility application that he and his team have been working on. Hope to have it finalized and ready to share soon.
- 2) We learned how to find information.
 - a) **Eligibility and Compliance Training Manual** – GSAXcess.gov – under User Guides tab
 - b) **Donation Handbook** - <http://www.gsa.gov/portal/content/104591> - scroll all the way down to [GSA Order FSS P 4025.5](#)
 - c) **Federal Management Regulations 102.37, Donation Program** - www.gsa.gov/fmr
- 3) The SASP makes the determination for eligibility except for SEAs where the DoD determines eligibility, and SBA programs where SBA determines eligibility – 8(a) Program, VOSB, RISE Act, Commonwealth of Puerto Rico Small Business. The SASP still ensures that the organizations are financially able to maintain the property and that the donated property is consistent with the mission of the donee.
- 4) VOSB/RISE Act
- 5) Basic Eligibility Criteria
 - a) Conform to the definition of eligible categories listed in 102–37.380 (also see appendix C of 102-37 for definitions)
 - b) Demonstrate approval, accreditation, or licensing requirements for operation of its program
 - c) Prove that it is a public agency or a nonprofit and tax-exempt organization under section 501 of the Internal Revenue Code
 - d) Certify that it is not debarred, suspended, or excluded from any Federal program, including procurement programs
- 6) Operate in compliance with applicable Federal nondiscrimination statutes
- 7) Medical and educational institutions must be approved, accredited, or licensed.
- 8) Museums must sign the Accede to Access agreement.

- a) "Accede to any request submitted for access during typical "business" hours, interpreted here to be approximately 9:00am to 4:00pm, Monday through Friday, although a reasonable variation from these hours may be considered due to individual circumstances (e.g., location of museum requiring strict business hours that deviate from the aforementioned time parameter)."

9) Faith-based organizations

- a) A requirement for the student to take a limited number of religious courses is acceptable but must offer primarily a secular program.
- b) Word of Life example (see GSA memo on pages 3 and 4 of the determination letter).
 - i) Word of Life's program literature outlines a two-year religious-specific educational curriculum, first year culminating in a Bible certificate:
 - (1) and the second year being ministry related characterized as "a more intensive journey into the Word of God."
 - (2) Per Word of Life's website, students are required "to agree with our Statement of Faith."
 - (3) In the Statement of Faith, students are required to believe in specific religious tenets.
 - (4) Based on these factors, there is no evidence that Word of Life offers "a secular program of education or public health."

10) All applications must include

- a) Debarment, Suspension or Exclusion (www.epls.gov)
- b) Assurance that the donee will comply with GSA's regulations on nondiscrimination (Nondiscrimination Assurance form signed)
- c) Legal name and address of the donee
- d) Status of the donee as a public agency or as an eligible nonprofit activity
- e) Details on the scope of the donee's program
- f) Proof that the donee is approved, accredited, licensed, or meets other legal requirement for operation of its program(s)
- g) Proof of tax exemption under section 501 of the IRS Code, if the donee is nonprofit
- h) Financial information
- i) Written authorization by the donee's governing body or chief administrative officer designating at least one person to act for the donee in acquiring property
- j) Types of property needed

11) Public agencies are just public.

- a) Any State; political subdivision thereof, including any unit of local government or economic development district; any department, agency, or instrumentality thereof, including instrumentalities created by compact or other agreement between States or political subdivisions; multijurisdictional substate districts established by or pursuant to

State law; or any Indian tribe, band, group, pueblo, or community located on a State reservation.

- b) In your evaluation of a public agency, always consider:
 - i) Is the entity established for a public purpose?
 - ii) Is the entity supported wholly or in part by public funding?
- c) Public Funding can be “In Kind” and this is usually in the category of public safety.

12) Nonprofits must have an IRS 501 designation, generally 501(c)3 – Religious, Educational, Charitable, Scientific, Literacy, Testing for Public Safety.

- a) When updating the application, be sure to check the IRS website for Form 990 status (irs.gov/charities-non-profits/tax-exempt-organization-search).

13) Service Educational Activities (SEA) organizations may **only** receive DoD property.

14) Eligibility files must be updated as needed but no less than every 3 years

- a) Files must be updated annually for donees whose eligibility depends on annual appropriations, licensing or certifications
- b) There isn't an “Other” category on the application

15) Single Audit Act: \$750,000, fair market valuation is 23.34%. \$3,213,368

- a) OMB Circular A-133 superseded by [2 CFR Part 200, subpart F](#)

16) Compliance cases. Get a police report if applicable. Contact GSA right away.

- a) Appeal – SASP to request appeal case from donee. Forward to GSA with application and SASP opinion or input to the case. GSA makes final decision.

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Sheltered workshops –accredited by CARF.org

- 1) Must operate primarily to provide specialized instruction to students with physical handicaps, or limited mental capacity, or a combination of both.
- 2) Must operate at least for an entire school year for public school instruction of the mentally challenged or physically handicapped.
- 3) Staff: provide roster of staff who must meet at least one:
 - a) Not less than two professionals; one must be State certified as a teacher.
 - b) Staff of instructors for trade schools, vocational schools, (read requirements) for sheltered workshop training.
- 4) Provide program objectives
- 5) Size of groups with teacher to student ratio sufficient to ensure that the pupils are receiving proper attention and guidance at all times.
- 6) Age of pupils – usually 3 and up.
- 7) Physical facilities: must meet health and safety standards
- 8) Provide evidence that program meets State and local health requirements
- 9) School records: evidence that health, attendance and development/progress records are maintained.

10) Proof of public or nonprofit status.

Habitat for Humanity

Beware of H4H stores – not eligible

Supplies used to build houses are allowed.