



U.S. General Services Administration

Federal Acquisition Service

A close-up, slightly blurred image of the American flag, showing the stars and stripes. The stars are white on a dark blue field, and the stripes are red and white.

Eligibility



U.S. General Services Administration

Federal Acquisition Service

Definitions

Lori Marrs
U&D Branch Chief
Southwest-Central Zone
January 2021

Eligibility

- **Authority: Section 549(c)(3) of title 40, USC authorizes SASPs to donate surplus property to public agencies and nonprofit educational or public health institutions.**
- Section 549(d) of title 40, USC authorizes surplus property, under the control of the Department of Defense (DOD) to be donated, through SASPs, to educational activities which are of special interest to the armed services (referred to in 102–37 as service educational activities or SEAs).



Who determines applicant eligibility?

- The SASP makes the eligibility determination. A SASP may request GSA guidance, when needed**
- For SEA applicants, the Defense Department will determine eligibility to receive DOD surplus property through the SASP



Basic Criteria for Eligibility

- Conform to the definition of eligible categories listed in 102–37.380** (also see appendix C of 102-37 for definitions)
- Demonstrate approval, accreditation, or licensing requirements for operation of its program
- Prove that it is a public agency or a nonprofit and tax-exempt organization under section 501 of the Internal Revenue Code
- Certify that it is not debarred, suspended, or excluded from any Federal program, including procurement programs
- Operate in compliance with applicable Federal nondiscrimination statutes



Basic Criteria for Eligibility

- Conform to the definition of eligible categories listed in 102–37.380 (also see appendix C of 102-37 for definitions)**
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Eligible Categories

- Medical Institutions**
- Educational Institutions
- Providers of assistance to homeless individuals
- Providers of assistance to impoverished families and individuals
- Child care centers



Eligible Categories

Radio and television stations licensed by the Federal

Communications Commission as educational radio or educational television stations

Museums attended by the public

Libraries, serving free, all residents of a community, district, state or region



Eligible Categories

- Historic light stations as defined under section 308(e)(2) of the National Historic Preservation Act (16 U.S.C. 470w–7(e)(2))**
- Program for Older Individuals - Section 213 of the Older Americans Act of 1965, as amended (42 U.S.C. 3020d), organizations or institutions, that receive Federal funding to conduct programs for older individuals**

Medical Institutions

- An approved, accredited, or licensed public or nonprofit institution, facility, or organization whose primary function is the furnishing of public health and medical services to the public or promoting public health through the conduct of research, experiments, training, or demonstrations related to cause, prevention, and methods of diagnosis and treatment of diseases and injuries.**



SBA Eligible Recipients

- SBA 8(a) Program**
- Veteran Owned Small Businesses**
- RISE After Disaster Act a/k/a RISE Act**
- Puerto Rico Small Businesses**

Medical Institutions (cont'd)

- **The term includes, but is not limited to, hospitals, clinics, alcohol and drug abuse treatment centers, public health or treatment centers, research and health centers, geriatric centers, laboratories, medical schools, dental schools, nursing schools, and similar institutions. The term does not include institutions primarily engaged in domiciliary care, although a separate medical facility within such a domiciliary institution may qualify as a medical institution.** 18



Educational Institutions

- An approved, accredited, or licensed public or nonprofit institution, facility, entity, or organization conducting educational programs or research for educational purposes, such as a child care center, school, college, university, school for the mentally or physically disabled, or an educational radio or television station.**



Provider of Assistance to Homeless Individuals

- A public agency or a nonprofit institution or organization that operates a program which provides assistance such as food, shelter, or other services to homeless individuals.



Homeless Individual defined:

An individual who lacks a fixed, regular, and adequate nighttime

residence, or who has a primary nighttime residence that is:

- I. A supervised publicly or privately operated shelter designed to provide temporary living accommodations (including welfare hotels, congregate shelters, and transitional housing for the mentally ill);
- II. An institution that provides a temporary residence for individuals intended to be institutionalized; or



Homeless Individual defined: (cont'd)

III. A public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings.

For purposes of this part, the term *homeless individual* does not include any individual imprisoned or otherwise detained pursuant to an Act of the Congress or a State law.



Provider of Assistance to Impoverished Families and Individuals

- A public or nonprofit organization whose primary function is to provide money, goods, or services to families or individuals whose annual incomes are below the poverty line (as defined in section 673 of the Community Services Block Grant Act) (42 U.S.C. 9902).

Federal Acquisition Service

Provider of Assistance to Impoverished Families and Individuals include organizations providing:

- Medical transportation
- Scholarships and tuition assistance
- Tutoring and literacy instruction
- Job training and placement
- Employment counseling
- Clothing distribution
- Home construction or repairs
- Utility or rental assistance
- Legal counsel
- Child care assistance
- Meals or other nutritional support



Letter of Certification from a Public Official

- Applicants for Providers of Assistance to the Homeless and Providers of Assistance to Impoverished Families and Individuals categories must obtain a letter of certification from a public official having responsibility for the homeless and/or impoverished programs.



Clarification on Public Official

Appropriate certifier “having responsibility” would be

the chief public official with sufficient knowledge of public assistance to the needy and/or homeless who can verify that the applicant's contribution of assistance in this area is significant.



Child Care Centers

- **A public or nonprofit facility where educational, social, health, and nutritional services are provided to children through age 14 (or as prescribed by State law) and that is approved or licensed by the State or other appropriate authority as a child day care center or child care center. (Child care center vs. home child care.)**



Radio and Television Stations

- A public or nonprofit radio or television station** licensed by the Federal Communications Commission and operated exclusively for noncommercial educational purposes.



Museums Attended by the Public

- A public or nonprofit institution** that is organized on a permanent basis for essentially educational or aesthetic purposes and which, using a professional staff, owns or uses tangible objects, either animate or inanimate; cares for these objects; and exhibits them to the public on a regular basis (formerly open at least 1000 hours per year).



Museums Attended by the Public (cont'd)

The term museum includes, but is not limited to, the

following institutions if they satisfy all other provisions of this definition: Aquariums and zoological parks; botanical gardens and arboretums; nature centers; museums relating to art, history (including historic buildings), natural history, science, and technology; and planetariums.

Museums Attended by the Public (cont'd)

- An institution uses a professional staff if it employs at least one fulltime staff member or the equivalent, whether paid or unpaid, primarily engaged in the acquisition, care, or public exhibition of objects owned or used by the institution. Does not include any institution that exhibits objects to the public if the display or use of the objects is only incidental to the primary function of the institution.**



Museums Attended by the Public (cont'd)

- Accede to Access Agreement must be signed.**

Hours are generally open 9:00 – 4:00



Libraries

A public or nonprofit facility providing library services

free, to all residents of a community, district, State, or region.

Historic Light Stations

- An historic light station as defined under section 308(e)(2) of the National Historic Preservation Act 16 U.S.C. 470w–7(e)2), including a historic light station conveyed under subsection (b) of that section, notwithstanding the number of hours that the historic light station is open to the public.**



Program for Older Individuals

- A program conducted by a State or local government agency or nonprofit activity that receives funds appropriated for services or programs for older individuals under the Older Americans Act of 1965, as amended, under title IV or title XX of the Social Security Act (42 U.S.C. 601 et seq.), or under titles VIII and X of the Economic Opportunity Act of 1964 (42 U.S.C. 2991 et seq.) and the Community Services Block Grant Act (42 U.S.C. 9901 et seq.).**



Veterans Organizations

- **Senate Bill 3794 is named the FORVETS Act of 2010; making certain veterans organizations a new category of eligible donation recipient.**
- **An Act to amend chapter 5 of title 40, United States Code, to include organizations whose membership comprises substantially of veterans as recipient organizations for the donation of Federal surplus personal property through State agencies.**



FORVETS Act

[See document](#)



Basic Criteria for Eligibility

- Conform to the definition of eligible categories listed in §102–37.380 (also see appendix C of 102-37 for definitions)
- Demonstrate approval, accreditation, or licensing requirements for operation of its program
- Prove that it is a public agency or a nonprofit and tax-exempt organization under section 501 of the Internal Revenue Code
- Certify that it is not debarred, suspended, or excluded from any Federal program, including procurement programs
- Operate in compliance with applicable Federal nondiscrimination statutes



Approval, Accreditation or Licensing Requirements

- Certificate/letter from a nationally recognized accrediting agency affirming the applicant meets the agency's standards and requirements
- Appearance on a list with other similarly approved or accredited institutions or programs when that list is published by a State, regional, or national accrediting authority
- Letters from State/local authorities (board of health or board of education) stating applicant meets the standards prescribed for approved or accredited organizations



Approval, Accreditation or Licensing Requirements (cont'd)

- For educational activities, letters from three accredited or State-approved institutions that students from the applicant institution have been and are being accepted

- For public health institutions, licensing may be accepted as evidence of approval, provided the licensing authority prescribes the medical requirements and standards for the professional and technical services of the institution



Approval, Accreditation or Licensing Requirements (cont'd)

- The awarding of research grants to the institution by a recognized authority such as the National Institutes of Health, the National Institute of Education, or by similar national advisory council or organization.

“Approval”

- **Recognition and approval by the State department of education, State department of health, or other appropriate authority where no recognized accrediting board, association, or other authority exists for the purpose of making an accreditation. For an educational institution or an educational program, approval must relate to academic or instructional standards established by the appropriate authority.**



“Approval” (cont’d)

- For a public health institution or program, approval must relate to the medical requirements and standards for the professional and technical services of the institution established by the appropriate authority.**

“Accreditation”

- **The status of public recognition that an accrediting agency grants to an institution or program that meets the agency's standards and requirements.**

- For educational accreditation assistance, try this website:
 - <http://ope.ed.gov/accreditation/>



“Accredited”

- **Accredited means approval by a recognized accrediting board or association on a regional, State, or national level, such as a State board of education or health; the American Hospital Association; a regional or national accrediting association for universities, colleges, or secondary schools; or another recognized accrediting association.**



“Licensed”



Licensed means recognition and approval by the appropriate

State or local authority approving institutions or programs in specialized areas. Licensing generally relates to established minimum public standards of safety, sanitation, staffing, and equipment as they relate to the construction, maintenance, and operation of a health or educational facility, rather than to the academic, instructional, or medical standards for these institutions.

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- Prove that it is a public agency or a nonprofit and tax-exempt organization under section 501 of the Internal Revenue Code**
- Certify that it is not debarred, suspended, or excluded from any Federal program, including procurement programs
- Operate in compliance with applicable Federal nondiscrimination statutes



Eligibility Groups

- Public Agencies**
- Non-Profit Organizations**



Public Agency Defined

- 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.**



Public Agency Evaluation

In your evaluation, always consider:

1. Is the entity established for a public purpose?
2. Is the entity supported wholly or in part by public funding?



Public Purpose

- A program or programs carried out by a public agency that is** legally authorized in accordance with the laws of the State or political subdivision thereof and for which public funds may be expended. Public purposes include but are not limited to programs such as conservation, economic development, education, parks and recreation, public health, public safety, programs of assistance to the homeless or impoverished, and programs for older individuals.



Public Funding

- Funding derived from tax appropriations voted on by**
federal, state or political subdivision officials that have the authority by law to conduct such activities and are also legally entitled to allocate such appropriations



Non-Profit Agency Defined

- An agency not organized for profit and exempt from Federal income tax under section 501 of the Internal Revenue Code (26 U.S.C. 501).**



IRS 501 Designation

- **Prior guidance from the Office of General Counsel (OGC) stated donees must be eligible as 501c(3)**
 - 501(c)3 – Religious, Educational, Charitable, Scientific, Literacy, Testing for Public Safety....

- New OGC review determined that “specific” 501 designation is not controlling on the issue of eligibility

IRS 501 Designation

- If tax exempt organizations under 501C of the IRS Code, meet all other requirements for eligibility, such applicants may be eligible to receive federal surplus property, provided that such property is used exclusively for the purposes of donation**

- Reference GSA Policy Memorandum issued November 19, 2009

IRS 501(c) Advanced Ruling—No more

- **Effective September 2008, the IRS no longer issues advanced rulings that grants public charity status for an initial 5-year period**
- The IRS will now make tax exempt decisions based upon a redesigned Form 990 that enhances transparency for exempt organizations and make it easier for them to show they are publicly supported charities
- Organizations currently under an advanced ruling period and still in their first five years of existence can use their advance ruling letter as their final determination letter

IRS ONLINE VERSION OF THE "CUMULATIVE LIST OF ORGANIZATIONS" irs.gov/charities-non-profits/tax-exempt-organization-search

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Address; 161 <http://apps.irs.gov/app/pub78...>

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 of the Advanced Search

- INDIVIDUALS
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Charitable Organizations I Churches and Religious Organizations I Contributors I Other Non-Profits I Political Organizations I Private Foundations

Search for Charities, Online Version of Publication 78

- Charities Non-Profits Topics &
- Life Cycle
 - Search for Charities
 - Published Guidance
 - EO Newsletter
 - EC Tax Law Training
 - Abusive Transactions
 - Calendar of Events
 - Exempt Organizations FAQs
 - rylcre Topics

Organization

Name Includes

All of the words

(* At least one of the words)

Location

City

State All... "r Counsil

USA Lrl.

<http://www.irs.gov/charities/charitable/article/0,,id=141466,00.html>

(Recent Revocations of 501(c)(3) Determinations)

N'A'A' irs.gov/charities/charitable/article/0,,id=1411166,00.html

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1 Internal Revenue Service

United States Department of the Treasury

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Advanced Search Search Tip

INDIVIDUALS BUSINESSES CHARITIES & NON-PROFITS GOVERNMENT ENTITIES TAX PROFESSIONALS RETIREMENT PLANS COMMUNITY DEVELOPMENT FINANCIAL INSTITUTIONS TAX-EXEMPT BOND COMMUNITY

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Recent Revocations of 501(c)(3) Determinations

The Internal Revenue Service has revoked its determinations that the following organizations are tax-exempt under section 501(c)(3) of the Internal Revenue Code. Accordingly, the organizations no longer qualify to receive tax-deductible contributions under Code section 170(c)(2).

When the Internal Revenue Service revokes recognition of section 501(c)(3) status, Publication 78 does not immediately reflect the change. Instead, the IRS publishes the change in the Internal Revenue Bulletin (IRB) which can be accessed by clicking on the organization's name below. The following is a cumulative list of such organizations published in the IRB from February 2005 to present.

Latest Additions to List:

Name	Location	Publication Date
Youth Ministries, Inc. d/b/a Operation Rescue West	Wichita, KS	9/8/2006

Recent Revocations:

Name	Location	Publication Date
The Adelphi Foundation	Adelphi, MD	11/28/2005
Allen's Pre-School and Day Care, Inc.	Murray, UT	2/28/2005
Aloha Kappa Psi Scholarship Fund	Minneapolis, MN	10/17/2005



The Quasi-Public Agency

- **Entities that exist for a public purpose and are usually funded “in part” by public monies**
- Public Funding can be “In Kind”
 - Funding in the form of substantial worth (i.e., equipment purchases, land/building rental)
- Quasi-public eligibility is normally in the public Safety category
- Requires a thorough eligibility evaluation



Public Safety Defined

- A program or programs carried out or promoted by a public agency for public purposes involving, directly or indirectly, the protection, safety, law enforcement activities, and criminal justice system of a given political area.**

Public Safety Programs

- Public safety programs may include, but are not limited to those carried out by:**
 1. Public police departments.
 2. Sheriffs' offices.
 3. The courts.
 4. Penal and correctional institutions (including juvenile facilities).
 5. State and local civil defense organizations.
 6. Fire departments and rescue squads (including volunteer fire departments and rescue squads supported in whole or in part with public funds).

Volunteer Fire Departments and Rescue Squads

- If evidence can be established that a VFD or Rescue Squad has been accepted by the political subdivision of government (even though not fully funded) and is considered an integral part of its safety program and is chartered as an approved fire department/rescue squad then we may deem the organization eligible as a quasi-public entity.

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- Certify that it is not debarred, suspended, or excluded from any Federal program, including procurement programs**
- Operate in compliance with applicable Federal nondiscrimination statutes



Debarment, Suspension or Exclusion

- Survey the Excluded Parties List System**
 - www.epls.gov
 - Allows search by organization and DUNS number
 - Allows search by individual and TIN



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Nondiscrimination Assurance

- Ensure applicant completes and signs**
Nondiscrimination Assurance form
- A key part of eligibility file and updated every three years



The Eligibility Application

- **In general, SASPs must maintain the records required by your State plan to document donee eligibility. Include at a minimum:**
 1. Legal name and address of the donee
 2. Status of the donee as a public agency or as an eligible nonprofit activity
 1. Details on the scope of the donee's program
 2. Proof of tax exemption under section 501 of the Internal Revenue Code, if the donee is nonprofit

The Eligibility Application (cont'd)

5. **Proof that the donee is approved, accredited, licensed, or meets other legal requirement for operation of its program(s)**
 1. Financial information
 2. 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
 1. Assurance that the donee will comply with GSA's regulations on nondiscrimination
 1. Types of property needed



What is a Service Educational Activity?

- Often referred to as an SEA, a Service Educational Activity is a national organization designed to the serve educational, social, welfare and recreational needs of the armed forces. Other organizations, national in scope, whose primary mission is to offer courses of instruction devoted to the military arts and sciences are also eligible to become a SEA.
- SEA organizations may only receive DoD property



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Service Educational Activities:

- American National Red Cross
- Armed Services
- YMCA of the USA
- Big Brothers/Big Sisters of America
- Boys and Girls Clubs of America
- Boy Scouts of America
- Camp Fire, Inc.
- Center for Excellence in Education
- Girl Scouts of the USA
- Little League Baseball, Inc.
- Junior ROTC
- Marine Cadets of America
- National Association for Equal Opportunity in Higher Education
- National Civilian Community Corps
- National Ski Patrol System, Inc.
- Naval Sea Cadet Corps
- Operation Raleigh
- United Service Organizations, Inc.
- U.S. Olympic Committee
- Young Marines of the Marine Corps
- League/Marine Corps League



How do organizations become SEAs?

- National organizations must be sponsored by a military service and approved by the Office of the Under Secretary of Defense (OSD)



Questions about SEA organizations?

- The SEA point of contact is:

Ms. Antoinette Smalls
HQ Defense Logistics Agency
703-767-3815
antoinette.smalls@dla.mil



Small Business Administration Eligibility

- **Commonly referred to as the 8a or SBA program**
- SBA program is outside the authority of the Federal Donation Program, Title 40 CFR, Part 102-37
 - Governed by Title 13 CFR, Part 124.405
 - As such GSA does not manage oversight to include eligibility
- Contact Regional SBA Office for guidance
 - www.sba.gov/localresources/index.html



Faith-based Eligibility Issues

EO 13279 states (in part)

- 1) Organizations providing services supported in whole or in part with Federal financial assistance should not be allowed to discriminate against current or prospective program beneficiaries on the basis of religion, a religious belief, a refusal to hold a religious belief, or a refusal to actively participate in a religious practice



Faith-Based Eligibility Issues

- **2) Organizations that engage in inherently religious activities, must offer those services separately in time or location from any programs or services supported with direct Federal financial assistance, and participation in any such inherently religious activities must be voluntary**



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Eligibility Discussion



Other Eligibility Issues

- Good eligibility determinations can prevent some compliance cases**
- Things change – Eligibility files must be updated as needed but no less than every 3 years
 - Files must be updated annually for donees whose eligibility depends on annual appropriations, licensing or certifications
- There isn't an "Other" category on the application



Where to get a copy of The Donation Handbook

<http://www.gsa.gov/portal/content/104591>

Directive (Orders)

- GSA Order FSS P 4025.5
- Appendices



Federal Acquisition Service

Assistance with eligibility determinations

For assistance, contact the appropriate Center of Expertise for Eligibility and Compliance

- SASPs located in Regions 1-5 (Mid-Atlantic Zone and Southeast-Great Lakes Zone) contact:

Greg Flores, Gregory.Flores@gsa.gov (312) 209-0208

or

Kevin Murphy, Kevin.Murphy@gsa.gov (215) 446-5841

- SASPs located in Regions 6-10 (Southwest-Central Zone and Pacific Rim Zone) contact:

Lori Marrs, Lori.Marrs@gsa.gov (817) 850-8148

or

Donna Rice, Donna.Rice@gsa.gov, (405) 231-5860

or

Tara Malone, Tara.Malone@gsa.gov (817) 850-8101



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A close-up, slightly blurred image of the American flag, showing the stars and stripes. The stars are white on a dark blue field, and the stripes are red and white.

Compliance



U.S. General Services Administration

Federal Acquisition Service

Terms and Conditions

Donna Rice

Center of Expertise for Eligibility &
Compliance for the Western US

(405) 231-5860 donna.rice@gsa.gov



Responsibility

- It is a SASP responsibility to enforce compliance with the terms and conditions imposed on donated property

- FMR 102-37.130



Terms and Conditions of Donation

- Property must be placed in use for the purposes for which donated within 1 year of donation
- A donee will return to the SASP, at its own expense, any donated property not placed in use for the purposes for which it was donated within 1 year of donation, or which ceases to be used for such purposes within 1 year after being placed in use



Terms and Conditions of Donation

- Comply with terms and conditions imposed by the SASP on the use of any item of property having a unit acquisition cost of \$5K or more and any passenger motor vehicle or other donated item
- A donee has conditional title only to the property during the applicable period of restriction. Full title to the property will vest in the donee only after the donee has met all of the donation requirements



Terms and Conditions of Donation

- Comply with conditions imposed by GSA, if any, requiring special handling or use limitations on donated property

- Obtain permission from SASP before selling, trading, leasing, loaning, bailing, cannibalizing, encumbering or disposing of property during the period of restriction, or removing it permanently for use outside the State



Terms and Conditions of Donation

- Report to the SASP on the use, condition, and location of donated property, and on other pertinent matters as the SASP may require from time to time

- If property loss occurs during the period of restriction, GSA/SASP will be entitled to reimbursement out of the insurance proceeds



Utilization Reviews

- SASPs must conduct utilization reviews IAW their State Plan of Operation to ensure donees are using property during the period of restriction for the purposes for which it was donated
 - FMR 102-37.480
- Purpose – to ensure property is being used IAW terms and conditions of donation
- Notify GSA if utilization review reveals violations of terms and conditions of donation



SASP Actions in Compliance Issues

- Promptly investigate failure to comply with terms and conditions
- Notify GSA immediately if evidence of fraud, wrongdoing by a screener, nonuse, misuse or unauthorized disposal
- Temporarily defer further donations to donee
- Take steps to correct the noncompliance or otherwise enforce the conditions of donation (see 102-37.485)



Periods of Restrictions

- Property with an OAC of \$5K or less – 12 months
- Property with an OAC of \$5K or greater and any passenger motor vehicle – 18 months
- Aircraft and Vessels – 60 months
- Combat aircraft - perpetuity



Release of Restrictions

- **SASPs may:**
 - grant releases from State imposed restrictions, provided for in the State Plan
 - grant (with GSA concurrence) a time extension to place property into use (see noted circumstances in FMR 102-37.465)
 - grant (with GSA concurrence) authority to trade in one donated item for one like item having similar potential use



Release of Restrictions

- SASPs may NOT:**
 - alter or grant releases to terms and conditions of the Property Act imposed on the use of motor vehicles and any item of property with an OAC of \$5K or more
 - grant release to any special handling or use limitation imposed by GSA without prior written approval from GSA



Release of Restrictions

□ SASPs may NOT:

- grant release of the statutory requirement that usable property be returned by the donee to the SASP if the property has not been placed in use for the purposes for which it was donated within 1 year of donation or ceases to be used by the donee for those purposes within 1 year of being placed in use, except that:
 - You may grant authority to the donee to cannibalize property when you determine that such action will result in increased use of the property and that the proposed action meets the standards prescribed in your plan of operation.



U.S. General Services Administration

Federal Acquisition Service

SPECIALIZED DISPOSAL

Lori Marrs
U&D Branch Chief
Southwest-Central Zone

January 2021



Aircraft and Vessel Donation Requirements

- Letter of Intent (LOI) detailing plan for utilization of property
- Letter certifying donee's eligibility and an evaluation of the applicant's ability to utilize the property
- Distribution document signed by the donee
- Conditional Transfer Document (CTD) signed by SASP and the donee



Aircraft and Vessel Compliance

- 60 month period of restriction**
 - Perpetuity for combat aircraft
- Use must be solely in accordance with executed CTD and LOI
- Annual utilization surveys
 - At least one utilization survey during the restriction period must be an on-site visit
 - An annual photograph is required

Letter of Intent

- Description of the Aircraft or Vessel**
 - Aircraft – Manufacturer, date of manufacture, model and serial number
 - Vessel – Type, name, class, displacement, length, beam, draft, lift capacity and hull or registry number
- Detailed description of donee's program and number/type of aircraft/vessels owned
- Detailed description of how aircraft/vessel will be used
- Purpose, how often it will be used, pilot information (if applicable), cannibalization process (if applicable), hangar or docking information (if applicable)
- Any supplemental information (geographical area, population served, etc)



Conditional Transfer Document

- Contains additional terms, conditions and restrictions**
 - applicable to the donation of special property
- Signed by the SASP, the donee and submitted to GSA for review and approval
- Applicable to aircraft, vessels and firearm donations



Returns and Reimbursements

- When unneeded property is returned to a SASP, the donee may be reimbursed for all or part of the initial cost of any repairs required to make the property usable if:**
 - a. The property is transferred to a Federal agency or sold for the benefit of the U.S. Government
 - a. No breach of the terms and conditions of donation has occurred
 - a. GSA authorizes the reimbursement

Returns and Reimbursements (cont'd)

- If the donee has incurred repair expenses for property it is returning to a SASP and wishes to be reimbursed, it will inform the SASP of this. The SASP will recommend for GSA approval, a reimbursement amount, taking into consideration the benefit the donee has received from the use of the property and making appropriate deductions for that use.**
 - If this property is subsequently transferred to a Federal agency, the receiving agency will be required to reimburse the donee as a condition of the transfer.
 - If the property is sold, the donee will be reimbursed from the sales proceeds

Funds Derived from Compliance Actions

- **Enforcement of Federal restrictions.** You must remit to GSA any funds derived from the enforcement of compliance involving a violation of any Federal restriction. You must also submit any supporting documentation indicating the source of the funds and essential background information.
- **Enforcement of State restrictions.** You may retain any funds derived from a compliance action involving violation of any State-imposed restriction and use such funds as provided in your State plan of operation.



GSA Property Centers of Expertise

- Allocation
 - Southeast-Great Lakes Zone – For Regions 1-5
 - Pacific Rim Zone – For Regions 6-10

- Special Commodities
 - Vessels (DoD) – Mid-Atlantic Zone
 - Vessels (Civilian) – Southeast-Great Lakes Zone
 - Firearms – Southwest-Central Zone
 - Aircraft – Pacific Rim Zone



GSA Property Centers of Expertise (cont'd)

- Eligibility, Compliance and State Reviews matters
 - Mid-Atlantic Zone – For Regions 1-5
 - Southwest-Central Zone – For Regions 6-10



Recent Compliance Trends

- Poor eligibility determinations**
- Property not placed into use for the purposes for which donated
- Unauthorized use of the property by the donee during the period of restriction
- Unauthorized use of property by an ineligible recipient



Recent Compliance Trends

- Damage to or loss or theft of property while property is in**
the possession of either the State Agency or the donee during the period of restriction
- Fraudulent actions by a donee**
- Donee receiving property inconsistent with organizational mission or needs**

Use of SASP Funding

- **SASP's must use funds collected from services charges or from other sources such as proceeds from undistributed property of funds collected from compliance cases, solely for the operation of the SASP and the benefit of participating donees (Ref FMR 102-37.285)**
- **Examples:**
 - Do not use funding to offset existing debts (non-GSA) a State has to the Federal government
 - Do not use funding to buy fixed price vehicles for public entities within the state



The FEMA Travel Trailer/Mobile Home

- **Many inquiries and/or compliance cases opened**
 - Failure to place property into use within 12 months of donation (large quantities involved)
 - Property sold before end of restriction period
 - MHs requested for homeless housing; individuals did not meet FMR definition of homeless
 - Property donated to ineligible recipients (SEAs and Veteran organizations)



The FEMA Travel Trailer/Mobile Home

- Failure to conduct required compliance/ utilization check**
- Property not utilized for the purposes of donation**
- Failure to properly safeguard federal property**



Revoked Eligibility

- A donee receives property but is later determined ineligible.**
If the property was utilized for its full restriction period, does title pass to the donee?
- These situations require careful evaluation
- Two examples:
 - Educational org loses its accreditation
 - SASP made incorrect eligibility determination



SEA Restriction Period

- **Property items with an OAC of \$5K and greater and any passenger motor vehicle donated to an SEA organization is subject to a 12-month restriction as opposed to an 18-month restriction period**
- Reference – FMR 102-37.450 (c) and CO Guideline Memo dated 2-2-99