

HJR

77

SENATE STATE AFFAIRS COMMITTEE

Date received May 14, 1984

Bill Number HJR 77 Title Dept. of Admin. /Gen Services & supply

Fiscal Note	Position Paper	Date requested	From	Amount	Date Rec'd Note	Rec'd Paper
4/26/84			Admin			
4/30/84	Letter fm Governor					

CONTACTS

Backup list

HEARING INFORMATION

NOTES:

FINAL ACTION _____ DATE _____



Official Business

Alaska State Legislature

Senate Committee on State Affairs

Vic Fischer, Chair • P.O. Box V
Juneau, Alaska 99811
(907) 465-4954

Sen Bill Gray

MEMORANDUM

TO: Senate State Affairs Committee

FROM: Senate State Affairs Committee Staff

RE: HJR 77 Adopting a permanent plan for distributing federal surplus property.

DATE: May 21, 1984

HJR 77 replaces the temporary state plan for distributing surplus federal property with a permanent state plan.

A permanent plan must be in place by June 30, 1984 for the state to continue receiving federal surplus property (beginning page 1, line 27).

This resolution has a zero fiscal note.

et seq.) property under the control of a department or agency of the United States that is usable and necessary for purposes of education (including educational activities which are of special interest to the armed services), public health or civil defense, and other purposes authorized by federal law;

(2) warehouse property acquired under (a)(1) of this section; and

(3) distribute the property to tax-supported medical institutions, hospitals, clinics, health centers, school systems, colleges, schools, and universities in the state, to other nonprofit medical institutions, hospitals, clinics, health centers, schools, colleges and universities exempt from taxation under § 501(c)(3) of the United States Internal Revenue Code of 1954, including future amendments, to civil defense organizations of the state established under state law, to organizations or institutions engaged in educational activities which are of special interest to the armed services, and to other types of institutions or activities eligible under federal law to acquire the property.

(b) The Department of Administration may receive applications from the eligible institutions listed in (a)(3) of this section, including the state government and its political subdivisions, for the acquisition of federal surplus real property, investigate the applications, get an expression of views on the applications from the health or educational authorities of the state, make recommendations on applicants, needs for the property, the merits of its proposed program of use, and the suitability of the property for these purposes, and otherwise assist in the processing of applications for acquisition of real and related personal property of the United States under § 203 (k) of the Federal Act.

(c) The Department of Administration may adopt the regulations and prescribe the requirements and take other action considered necessary to administer AS 44.71.020 — 44.71.040 to assure maximum use and benefit to eligible institutions and organizations in the state.

(d) The Department of Administration may take the action, make the expenditures and enter into contracts, agreements and undertakings in the name of the state, including cooperative agreements with federal agencies providing for use by and exchange between them of the property, facilities, personnel and services of each by the other, require the reports and make the investigations required by law or regulation of the United States in connection with the disposal of real property and the receipt, warehousing, and distribution of personal property received by the department from the United States.

(e) The Department of Administration may act as clearinghouse of information for eligible institutions and organizations referred to in (a) of this section and other institutions eligible to acquire federal surplus real property, locate real and personal property available for acquisition from the United States, ascertain the terms and conditions

under which the eligible institution information in re acquire federal surplus

(f) The Department departments or agencies of operation, operations necessary to meet the Federal Act, and information which may require and the rules and regulations allocation, transfer

(g) The Department necessary to carry out eligible purposes comply with Administration purposes of this request, act as his performed under

(h) The civil division the state may be 44.71.020 — 44.71.040 done without ad employ the assistance necessary to (§ 2 ch 163 SLA

The department negotiate contract of surplus real federal government sioner of the state application to the Administration for property may accept

Sec. 44.71.030 functions of the 44.71.040 shall to pay for personal under AS 44.71.0 authorized under of surplus property is transferred to publish the fees to department for property.

§ 44.71.020

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§ 44.71.030

STATE GOVERNMENT

§ 44.71.030

under which the property may be obtained, receive requests from the eligible institutions and organizations, and transmit to them available information in reference to the property, and aid and assist them to acquire federal surplus property under AS 44.71.020 — 44.71.040.

(f) The Department of Administration shall cooperate with the departments or agencies of the United States and shall file a state plan of operation, operate in accordance with it, and take the action necessary to meet the minimum standards prescribed in accordance with the Federal Act, and make the reports in the form and containing the information which the United States or its departments or agencies may require and shall comply with the laws of the United States and the rules and regulations of its departments or agencies governing the allocation, transfer, use or accounting for property donated to the state.

(g) The Department of Administration may perform functions necessary to carry out the transfer of federal surplus personal property for eligible purposes under Public Law 659, 1954, as amended, and to comply with regulations of the Federal General Services Administration in connection with the Federal Act. In carrying out the purposes of this subsection the department may, upon the governor's request, act as his representative in connection with the function to be performed under AS 44.71.020 — 44.71.040.

(h) The civil defense organization, officials, and contacts throughout the state may be used to assist in carrying out the purposes of AS 44.71.020 — 44.71.040 to the extent that this is feasible and can be done without adversely affecting civil defense. The department may employ the assistants and other workers in the surplus property service necessary to carry out the purposes of AS 44.71.020 — 44.71.040. (§ 2 ch 163 SLA 1957; am § 19 ch 143 SLA 1968)

The department is authorized to negotiate contracts for the acquisition of surplus real property from the federal government, and the commissioner of the state agency submitting application to the Department of Administration for the acquisition of the property may accept the transfer of property

to it and obligate the agency and its funds to the extent necessary to comply with the terms and conditions of such transfers. The commissioner of the initiating department may delegate this function to any officer within the department. 1962 Op. Att'y Gen., No. 20.

Sec. 44.71.030. Financing surplus property service. (a) The functions of the Department of Administration under AS 44.71.020 — 44.71.040 shall be, to the fullest extent possible, self-supporting. Funds to pay for personal services and all other expenses necessary to operate under AS 44.71.020 — 44.71.040 shall be obtained from appropriations authorized under AS 44.71.020 — 44.71.040 and fees charged to users of surplus property. However, no charges may be made when property is transferred for civil defense purposes. The department shall establish the fees to be charged. Charges may be made to reimburse the department for direct costs incurred on behalf of users of surplus property.

(b) The charges or fees imposed by the department for the acquisition, warehousing, distribution or transfer of federal surplus property for educational, public health, or civil defense purposes, including research, and for purposes eligible under federal law are limited to those reasonably related to the costs of care and handling in respect to acquisition, receipt, warehousing, distribution or transfer by the department. In the case of real property, the charges and fees shall be limited to the reasonable administrative costs of the department incurred in transferring the property. A reasonable reserve may be considered as a proper cost.

(c) There is a special revolving fund in the state treasury. All fees and other money collected from users and receiving agencies shall be deposited in this fund. Administrative costs and incidental expenses shall be paid from this special fund. (§ 4 ch 163 SLA 1957)

Cross reference. — For provisions as to special funds, see AS 37.05.155.

Sec. 44.71.040. Authorization to accept property. The governing board, or the executive head of a department, instrumentality, or agency of the state government or of a town, city, school district or other political subdivision may, by order or resolution, give an officer or employee of it continuing authority to get, certify, and accept the transfer to it of property under AS 44.71.020 — 44.71.040, and to obligate the authority for which he acts and its funds to the extent necessary to comply with the terms and conditions of the transfers. This authority of an officer or employee remains in effect until the order or resolution is revoked and written notice of revocation is received by the Department of Administration. (§ 5 ch 133 SLA 1957)

The department is authorized to negotiate contracts for the acquisition of surplus real property from the federal government. — See same catchline in note to AS 44.71.020.

But state agency should be bound thereon. — This section contemplated that the Alaska Surplus Supply Service

(now the Department of Administration) would negotiate the contract, but that the territorial (now state) agency making application for the acquisition of the property, acting through a duly authorized officer or employee, should be bound on the contract. 1962 Op. Att'y Gen., No. 20.

Chapter 74. Management and Disposition.

Article

1. Equipment Maintenance and Operation of Supply Depots (§§ 44.74.010 — 44.74.060)
2. Transfer to Political Subdivisions (§§ 44.74.070 — 44.74.090)
3. Department of Fish and Game Working Capital Fund (Repealed)

Article 1. F

Section

10. Working cap
20. Use of fund
30. Revenues 1
repairs, an

Sec. 44.74.010. established in Highways. (§

Am. Jur. 2d re 2d. Public Funds-

Sec. 44.74.020. necessary exp maintenance : 1960)

Sec. 44.74.030. supplies. Rec departments deposited in t government s equipment rep

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Sec. 44.74.050. to capital c improvements appropriation budget. (§ 3 c

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Art

Section

70. Transfer of subdivision

STATE OF ALASKA 1984 LEGISLATIVE SESSION

FISCAL NOTE

Revision Date: _____

REQUEST

Bill/Resolution No.: Joint Resolution

Title: Adopting a Permanent State Plan of Operations for Federal Surplus Prop.

Sponsor: Governor's Office

Requestor: Governor's Office

Date of Request: April 25, 1984

FISCAL DETAIL

Agency Affected: All Departments

Program Category Affected: General Services

BRU, Program or Subprogram(s) Affected:

State and Federal Property

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 84	FY 85	FY 86	FY 87	FY 88	FY 89
OPERATING						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 SUPPLIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0

CAPITAL						
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REVENUE						
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FUNDING: (Thousands of Dollars)

GENERAL FUND	0	0	0	0	0	0
FEDERAL FUNDS						
OTHER						
TOTAL	0	0	0	0	0	0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

ANALYSIS: Attach a separate page for analysis

Prepared By: Robert J. Link

Division: General Services & Supply

Phone: 465-2250

Date: April 25, 1984

Approved by Commissioner: Lisa Rudd

Agency: DEPARTMENT OF ADMINISTRATION

Date: 4-26-84

Distribution (by Agency preparing fiscal note):

Legislative Finance

Legislative Sponsor

Requestor

Office of Management and Budget

Impacted Agency(ies)

8/11D2/0426-01

Rev. 3-20-84

Fiscal note 4/26/84

BILL SHEFFIELD
GOVERNOR



HS-77

STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

April 30, 1984

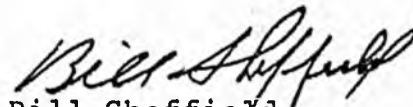
The Honorable Joe Hayes
Speaker of the House
Alaska House of Representatives
Pouch V
Juneau, AK 99811

Dear Representative Hayes:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a resolution that provides for legislative adoption of a permanent plan of operation governing the Department of Administration's receipt and handling of federal surplus property. 40 U.S.C. 484(j)(4) requires adoption of such a plan by the legislature, and a memorandum from the United State General Services Administration sets June 30, 1984 as the final date for the effectiveness of the temporary plan that was approved under that statute. That date becomes the deadline for adoption of the permanent plan.

To assure that Alaska does not lose its eligibility for federal surplus property, I urge your prompt action on this measure.

Sincerely,


Bill Sheffield
Governor

Governor's transmittal ltr 4/30/84

Public Law 94-519
94th Congress

An Act

To amend the Federal Property and Administrative Services Act of 1949 to permit the donation of Federal surplus personal property to the States and local organizations for public purposes, and for other purposes.

Oct. 17, 1976
[H.R. 14451]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 203 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 484) is amended as follows:

Federal surplus
property.
Donation to
States and local
organizations.

(1) Subsection (j) is amended to read as follows:

"(j) (1) Under such regulations as he may prescribe, the Administrator is authorized in his discretion to transfer, without cost (except for costs of care and handling), any personal property under the control of any executive agency which has been determined to be surplus property to the State agency in each State designated under State law as the agency responsible for the fair and equitable distribution, through donation, of all property transferred in accordance with the provisions of paragraphs (2) and (3) of this subsection. In determining whether the property is to be transferred for donation under this subsection, no distinction shall be made between property capitalized in a working-capital fund established under section 2208 of title 10, United States Code, or any similar fund, and any other property.

"(2) In the case of surplus personal property under the control of the Department of Defense, the Secretary of Defense shall determine whether such property is usable and necessary for educational activities which are of special interest to the armed services, such as maritime academies, or military, naval, Air Force, or Coast Guard preparatory schools. If the Secretary determines that such property is usable and necessary for said purposes, the Secretary shall allocate it for transfer by the Administrator to the appropriate State agency for distribution, through donation, to such educational activities. If the Secretary determines that such property is not usable and necessary for such purposes, it may be disposed of in accordance with paragraph (3) of this subsection.

"(3) Except for surplus personal property transferred pursuant to paragraph (2) of this subsection, the Administrator shall, pursuant to criteria which are based on need and utilization and established after such consultation with State agencies as is feasible, allocate such property among the States in a fair and equitable basis (taking into account the condition of the property as well as the original acquisition cost thereof), and transfer to the State agency property selected by it for distribution through donation within the State—

"(A) to any public agency for use in carrying out or promoting for the residents of a given political area one or more public purposes, such as conservation, economic development, education, parks and recreation, public health, and public safety; or

"(B) to nonprofit educational or public health institutions or organizations, such as medical institutions, hospitals, clinics, health centers, schools, colleges, universities, schools for the mentally retarded, schools for the physically handicapped, child

(1)

copy

26 USC 501.

care centers, radio and television stations licensed by the Federal Communications Commission as educational radio or educational television stations, museums attended by the public, and libraries serving free all residents of a community, district, State, or region, which are exempt from taxation under section 501 of the Internal Revenue Code of 1954, for purposes of education or public health (including research for any such purpose).

The Administrator, in allocating and transferring property under this paragraph, shall give fair consideration, consistently with the established criteria, to expressions of need and interest on the part of public agencies and other eligible institutions within that State, and shall give special consideration to requests by eligible recipients, transmitted through the State agency, for specific items of property.



"(4) (A) Before property may be transferred to any State agency, such State shall develop, according to State law, a detailed plan of operation, developed in conformity with the provisions of this subsection, which shall include adequate assurance that the State agency has the necessary organizational and operational authority and capability, including staff, facilities, means and methods of financing, and procedures with respect to: accountability, internal and external audits, cooperative agreements, compliance and utilization reviews, equitable distribution and property disposal, determination of eligibility, and assistance through consultation with advisory bodies and public and private groups. The chief executive officer shall certify and submit the plan to the Administrator. In the event that a State legislature has not developed, according to State law, a State plan within two hundred and seventy calendar days after the date of enactment of this Act, the chief executive officer of the State shall approve, and submit to the Administrator, a temporary State plan. No such plan, and no major amendment thereof, shall be filed with the Administrator until sixty days after general notice of the proposed plan or amendment has been published and interested persons have been given at least thirty days during which to submit comments. In developing and implementing the State plan, the relative needs and resources of all public agencies and other eligible institutions within the State shall be taken into consideration. The Administrator may consult with interested Federal agencies for purposes of obtaining their views concerning the administration and operation of this subsection.

"(B) The State plan shall provide for the fair and equitable distribution of property within such State based on the relative needs and resources of interested public agencies and other eligible institutions within the State and their abilities to utilize the property.

"(C) (i) The State plan of operation shall require the State agency to utilize a management control system and accounting system for donable property transferred under this section of the same types as are required by State law for State-owned property, except that the State agency, with the approval of the chief executive officer of the State, may elect, in lieu of such systems, to utilize such other management control and accounting systems as are effective to govern the utilization, inventory control, accountability, and disposal of property under this subsection.

"(ii) The State plan of operation shall require the State agency to provide for the return of donable property for further distribution if such property, while still usable, has not been placed in use for the purpose for which it was donated within one year of donation or ceases to be used by the donee for such purposes within one year of being placed in use.

"(iii) The State plan shall be practical, to select proper eligible institution within recipient, to arrange shipment directly to the recipient.

"(D) Where the State agency service charges from part of reasonable indirect costs of such charges shall be set so such charges shall be fair and equ formed by the State agency packing, crating, removal, di

"(E) The State plan of agency may impose reasonable restrictions on the use of property of this subsection and shall in and restrictions in the case item of other property having If the Administrator finds that require special handling; appropriate conditions on the donee

"(F) The State plan of property which the State agency recipients shall be disposed of

"(i) subject to the thirty days after notification to another State destruction where the estimated cost of its disposal the estimated proceeds

"(ii) otherwise pursuant such terms and conditions by the Administrator.

Notwithstanding sections: trator, from the proceeds of the State agency for such of such property as he shall

"(5) As used in this sub any State, political subdivision government or economic agency, instrumentality (tribe by compact or other agreements), or any Indian tribe on a State reservation in States, the District of Columbia, Virgin Islands, Guam, and

(2) Subsection (k) is an

(A) in the first sentence the word "subsec personal property trust

(B) in subparagraph after the semicolon;

(C) in subparagraph "armed forces", by striking a period; and

(D) by striking out (3) Subsection (n) is a

W 94-519—OCT. 17, 1976

television stations licensed by the Federal Commission as educational radio or educational, museums attended by the public, and all residents of a community, district, State, exempt from taxation under section 501(c)(3) of the Code of 1954, for purposes of educational research for any such purpose).

locating and transferring property under fair consideration, consistently with the provisions of need and interest on the part of eligible institutions within that State, consideration to requests by eligible recipients, State agency, for specific items of property, may be transferred to any State agency, according to State law, a detailed plan of conformity with the provisions of this subsection adequate assurance that the State agency has land operational authority and capability, means and methods of financing, and accountability, internal and external audits, compliance and utilization reviews, equitable disposal, determination of eligibility, and consultation with advisory bodies and public and executive officer shall certify and submit report. In the event that a State legislature acting to State law, a State plan within two calendar days after the date of enactment of such plan, a temporary State plan. No such plan, hereof, shall be filed with the Administrator. General notice of the proposed plan or other interested persons have been invited to submit comments. In developing the State plan, the relative needs and interests of other eligible institutions within the State shall be considered. The Administrator may require agencies for purposes of obtaining information and operation of this

provide for the fair and equitable disposal of such State based on the relative needs of public agencies and other eligible institutions to utilize the property. The operation shall require the State agency to maintain a control system and accounting system for property under this section of the same types for State-owned property, except that approval of the chief executive officer of such systems, to utilize such other operating systems as are effective to govern control, accountability, and disposal of

operation shall require the State agency to dispose of property for further distribution if the property has not been placed in use for the purpose within one year of donation or ceases to be used for such purposes within one year of being

“(iii) The State plan shall require the State agency, insofar as practicable, to select property requested by a public agency or other eligible institution within the State and, if so requested by the recipient, to arrange shipment of that property, when acquired, directly to the recipient.

“(D) Where the State agency is authorized to assess and collect service charges from participating recipients to cover direct and reasonable indirect costs of its activities, the method of establishing such charges shall be set out in the State plan of operation. Such charges shall be fair and equitable and shall be based on services performed by the State agency, including, but not limited to, screening, packing, crating, removal, and transportation.

“(E) The State plan of operation shall provide that the State agency may impose reasonable terms, conditions, reservations, and restrictions on the use of property to be donated under paragraph (3) of this subsection and shall impose such terms, conditions, reservations, and restrictions in the case of any passenger motor vehicle and any item of other property having a unit acquisition cost of \$3,000 or more. If the Administrator finds that an item or items have characteristics that require special handling or use limitations, he may impose appropriate conditions on the donation of such property.

“(F) The State plan of operation shall provide that surplus property which the State agency determines cannot be utilized by eligible recipients shall be disposed of—

- “(i) subject to the disapproval of the Administrator within thirty days after notice to him, through transfer by the State agency to another State agency or through abandonment or destruction where the property has no commercial value or the estimated cost of its continued care and handling would exceed the estimated proceeds from its sale; or
- “(ii) otherwise pursuant to the provisions of this Act under such terms and conditions and in such manner as may be prescribed by the Administrator.

Notwithstanding sections 204 and 402(c) of this Act, the Administrator, from the proceeds of sale of any such property, may reimburse the State agency for such expenses relating to the care and handling of such property as he shall deem appropriate.

“(5) As used in this subsection, (A) the term ‘public agency’ means any State, political subdivision thereof (including any unit of local government or economic development district), or any department, agency, instrumentality thereof (including instrumentalities created by compact or other agreement between States or political subdivisions), or any Indian tribe, band, group, pueblo, or community located on a State reservation and (B) the term ‘State’ means the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, and American Samoa.”

40 USC 485, 512.

“Public agency.”

“State.”

(2) Subsection (k) is amended—

(A) in the first sentence of paragraph (4), immediately following the word “subsection”, by adding “, except with respect to personal property transferred pursuant to subsection (j)”;

(B) in subparagraph (4)(C), by inserting “or” immediately after the semicolon;

(C) in subparagraph (4)(D), immediately following the words “armed forces”, by striking out “; or” and inserting in lieu thereof a period; and

(D) by striking out subparagraph (4)(E).

(3) Subsection (n) is amended to read as follows:

"(n) For the purpose of carrying into effect the provisions of subsection (j), the Administrator or the head of any Federal agency designated by the Administrator, and, with respect to subsection (k) (1), the Secretary of Health, Education, and Welfare or the head of any Federal agency designated by the Secretary, are authorized to enter into cooperative agreements with State surplus property distribution agencies designated in conformity with subsection (j). Such cooperative agreements may provide for utilization by such Federal agency, with or without payment or reimbursement, of the property, facilities, personnel, and services of the State agency in carrying out any such program, and for making available to such State agency, with or without payment or reimbursement, property, facilities, personnel, or services of such Federal agency in connection with such utilization. Payment or reimbursement, if any, from the State agency shall be credited to the fund or appropriation against which charges would be made if no payment or reimbursement were received. In addition, under such cooperative agreements and subject to such other conditions as may be imposed by the Administrator, or with respect to subsection (k) (1) by the Secretary of Health, Education, and Welfare, any surplus property transferred to the State agency for distribution pursuant to subsection (j) (3) may be retained by the State agency for use in performing its functions. Unless otherwise directed by the Administrator, title to property so retained shall vest in the State agency."

Report to Congress.

(4) Subsection (o) is amended to read as follows:
 "(o) The Administrator with respect to personal property donated under subsection (j), and the head of each executive agency disposing of real property under subsection (k), shall submit during the calendar quarter following the close of each fiscal year a report to the Senate (or to the Secretary of the Senate if the Senate is not in session) and to the House of Representatives (or to the Clerk of the House if the House is not in session) showing the acquisition cost of all personal property so donated and of all real property so disposed of during the preceding fiscal year. Such reports shall also show donations and transfers of property according to State, and may include such other information and recommendations as the Administrator or other executive agency head concerned deems appropriate."

40 USC 484 note.

SEC. 2. Except to the extent that the Administrator of General Services, in the case of specific items or categories of property, has determined otherwise, no term, condition, reservation, or restriction imposed pursuant to subsection (j) (5) of section 203 of the Federal Property and Administrative Services Act of 1949 (as in effect prior to the date of enactment of this Act), on the use of any item of personal property donated pursuant to subsection (j) (3) or (j) (4) of section 203 prior to the effective date of this Act as provided in section 9(a), shall remain in effect beyond the thirtieth day after such effective date. This section shall not be deemed to terminate any civil or criminal liability arising out of a violation of such a term, condition, reservation, or restriction which occurred prior to such effective date if a judicial proceeding to enforce such liability is pending on such effective date, or is commenced within one year after such date.

40 USC 484.

SEC. 3. Section 202 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 483) is amended by adding the following new subsections:

"(d) Notwithstanding any other provisions of law, Federal agencies are prohibited from obtaining excess personal property for purposes of furnishing such property to grantees of such agencies, except as follows:

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 scribe, any Federal
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 "(B) the sp
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 the Secretary of the
 House of Representa
 is not in session) sum
 tive agencies."

SEC. 4. Section 402
 Services Act of 1949

into effect the provisions of sub-
 section (j) of section 203 of the
 Federal Property and Administrative
 Services Act of 1949, with respect to subsection
 (j) of section 203 of the Federal Property and
 Administrative Services Act of 1949, and Welfare or the head
 of the State surplus property distribu-
 tion, and the Secretary, are authorized to
 the Secretary, are authorized to
 State surplus property distribu-
 tion, and the Secretary, are authorized to
 with subsection (j). Such coop-
 eration by such Federal agency,
 State surplus property distribu-
 tion, and the Secretary, are authorized to
 ment, of the property, facilities,
 and Welfare or the head of the
 agency in carrying out any such
 to such State agency, with or
 property, facilities, personnel, or
 connection with such utilization,
 from the State agency shall be
 against which charges would be
 were received. In addition, under
 ect to such other conditions as
 or with respect to subsection
 Education, and Welfare, any
 State agency for distribution
 retained by the State agency
 unless otherwise directed by the
 tained shall vest in the State

as follows:

to personal property donated
 each executive agency disposing
 shall submit during the calendar
 year a report to the Senate
 if the Senate is not in session) and
 the Clerk of the House if the
 acquisition cost of all personal
 property so disposed of during the
 year, and may include such other
 information as the Administrator or other execu-
 tive agency may deem appropriate."

Administrator of General Serv-
 ices of property, has deter-
 mination, or restriction imposed
 section 203 of the Federal Property
 and Administrative Services Act
 (as in effect prior to the date
 of termination of personal property
 under subsection (j) (4) of section 203 prior
 to such effective date. This
 shall not create any civil or criminal liability
 on, condition, reservation, or
 restriction effective date if a judicial
 proceeding on such effective date,
 or date.

property and Administrative

ended by adding the follow-
 ing: "The Administrator of Gen-
 eral Services of law, Federal agencies
 shall submit a report to the Senate
 and to the House of Representatives
 summarizing and analyzing the reports
 of the executive agencies, except as

"(1) Under such regulations as the Administrator may prescribe, any Federal agency may obtain excess personal property for purposes of furnishing it to any institution or organization which is a public agency or is nonprofit and exempt from taxation under section 501 of the Internal Revenue Code of 1954, and which is conducting a federally sponsored project pursuant to a grant made for a specific purpose with a specific termination date: *Provided, That*—

"(A) such property is to be furnished for use in connection with the grant; and

"(B) the sponsoring Federal agency pays an amount equal to 25 per centum of the original acquisition cost (except for costs of care and handling) of the excess property furnished, such funds to be covered into the Treasury as miscellaneous receipts.

Title to excess property obtained under this paragraph shall vest in the grantees and shall be accounted for and disposed of in accordance with procedures governing the accountability of personal property acquired under grant agreements.

"(2) Under such regulations and restrictions as the Administrator may prescribe, the provisions of this subsection shall not apply to the following:

"(A) property furnished under section 608 of the Foreign Assistance Act of 1961, as amended, where and to the extent that the Administrator of General Services determines that the property to be furnished under such Act is not needed for donation pursuant to section 203(j) of this Act;

"(B) scientific equipment furnished under section 11(e) of the National Science Foundation Act of 1950, as amended (42 U.S.C. 1870(e));

"(C) property furnished under section 203 of the Department of Agriculture Organic Act of 1944 (16 U.S.C. 580a), in connection with the Cooperative Forest Fire Control Program, where title is retained in the United States; or

"(D) property furnished in connection with grants to Indian tribes as amended in section 3(e) of the Indian Financing Act (25 U.S.C. 1452(e)).

This paragraph shall not preclude any Federal agency obtaining property and furnishing it to a grantee of that agency under paragraph (1) of this subsection.

"(c) Each executive agency shall submit during the calendar quarter following the close of each fiscal year a report to the Administrator showing, with respect to personal property—

"(1) obtained as excess property or as personal property determined to be no longer required for the purposes of the appropriation from which it was purchased, and

"(2) furnished in any manner whatsoever within the United States to any recipient other than a Federal agency,

the acquisition cost, categories of equipment, recipient of all such property, and such other information as the Administrator may require. The Administrator shall submit a report to the Senate (or to the Secretary of the Senate if the Senate is not in session) and to the House of Representatives (or to the Clerk of the House if the House is not in session) summarizing and analyzing the reports of the executive agencies."

Sec. 4. Section 402(c) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 512(c)) is amended by striking out

Regulations.

26 USC 501.

Regulations.

22 USC 2358.

Ante, p. 2451.

Report to Administrator.

Report to Congress.

"whenever the head of the executive agency concerned determines that it is in the interest of the United States to do so" and inserting in lieu thereof "whenever the head of the executive agency concerned, or the Administrator after consultation with such agency head, determines that return of the property to the United States for such handling is in the interest of the United States".

40 USC 483c.

Sec. 5. Notwithstanding any other provision of law, and except as the Administrator of General Services may otherwise provide on recommendation of the head of an affected Federal agency, excess personal property acquired by a Federal agency pursuant to the authority of section 202 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 483) and furnished to and held by a grantee of such agency prior to the effective date of this Act (as provided in section 9(b)) under grants made pursuant to programs established by law shall be regarded as surplus property. The Administrator of General Services upon receipt of a certification by the head of an agency that the property is being used by the grantee for the purposes for which it was furnished shall transfer title to the property to the grantee. The grantor agency shall survey Federal property acquired from excess sources in the possession of its grantees and shall notify the Administrator of General Services, not later than two hundred and forty days from the date of enactment of this Act, of those items of property which are being used by each grantee for the purpose for which it was furnished, and those items which are not being used by each grantee. If the property is not being so used, the Administrator shall transfer such property to an appropriate State agency, upon its request, for distribution in accordance with subsection 203(j) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 484(j)). Property not so transferred shall be otherwise disposed of pursuant to the provisions of that Act."

Repeal.
42 USC 3193.
Transfer of
personnel,
records, etc.
40 USC 484c.

Sec. 6. Section 514 of the Public Works and Economic Development Act of 1965 (88 Stat. 1162) is repealed.

Sec. 7. (a) So much of the personnel, property, records, and unexpended balance of appropriations, allocations, and other funds as are, in the judgment of the Director of the Office of Management and Budget, employed, used, held, available, or to be made available in relation to those personal property functions which the Secretary of Health, Education, and Welfare was authorized to perform under section 203 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 484) immediately prior to the date of enactment of this Act and which under this Act become vested in the Administrator of General Services shall be transferred to the General Services Administration at such time or times as the Director shall direct.

(b) Such further measures and dispositions as the Director of the Office of Management and Budget deems necessary to effectuate transfers referred to in subsection (a) of this section shall be carried out in such manner as the Director shall direct.

Sec. 8. Title VI of the Federal Property and Administrative Services Act of 1949 is amended by adding after section 605 the following new section:

"SEX DISCRIMINATION

40 USC 476.

"SEC. 606. No individual shall on the ground of sex be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity carried on or receiving Federal assistance under this Act. This provision shall be enforced through agency provisions and rules similar to those already estab-

lished with respect to racial an of the Civil Rights Act of 1964, and will not prejudice or remedy to any individual alleging discrimination.

SEC. 9. The provisions of this Act after the date of enactment of this Act, and biennially thereafter.

SEC. 10. Not later than this Act, and biennially thereafter, the Comptroller General of the United States shall submit reports which cover the two-year period ending on the date of the report. Each report shall contain (1) a full and independent audit of the extent to which the needs set forth in the distribution program have been met, (2) the extent to which the needs of the various public agencies have been met, and (3) such recommendations as the Comptroller General, respectively,

Approved October 17, 1976

LEGISLATIVE HISTORY:

HOUSE REPORT No. 94-1429 (H. R. 1323)
SENATE REPORT No. 94-1323
CONGRESSIONAL RECORD, Vol. 102, Pt. 1, p. 10000
Aug. 24, considered and passed
Sept. 28, considered and passed
Sept. 29, House agreed to

Executive agency concerned determines that it is in the best interest of the United States to do so" and inserting in lieu of the executive agency concerned, or the action with such agency head, determines to the United States for such handling in the United States".

Any other provision of law, and except as otherwise provided in this Act, the Administrator of General Services may otherwise provide or direct of an affected Federal agency, excess of an affected Federal agency, excess of a Federal agency pursuant to the Federal Property and Administrative Services Act (S.C. 453) and furnished to and held by the grantor agency prior to the effective date of this Act (as under grants made pursuant to programs regarded as surplus property. The Administrator upon receipt of a certification by the grantor agency that the property is being used by the grantee for purposes for which it was furnished shall transfer title to the grantee. The Administrator shall survey Federal sources in the possession of its grantees and the Administrator of General Services, not later than the date of enactment of this Act, from the date of enactment of this Act, which are being used by each grantee for such purposes and those items which are not so used, shall be transferred to the Administrator of General Services. If the property is not being so used, the Administrator shall transfer such property to an appropriate Federal agency for distribution in accordance with the Federal Property and Administrative Services Act (S.C. 453). Property not so transferred shall be subject to the provisions of that Act."

Public Works and Economic Development Administration, personnel, property, records, and unexpended appropriations, allocations, and other funds as are available, or to be made available in the future, for the performance of the functions which the Secretary of the Department of the Interior was authorized to perform under the Federal Property and Administrative Services Act immediately prior to the date of enactment of this Act become vested in the Administrator of General Services and shall be transferred to the General Services Administration or times as the Director shall direct. The provisions of this section shall be carried out in accordance with the provisions of that Act.

and dispositions as the Director of the Department of the Interior deems necessary to effectuate the provisions of this section shall be carried out in accordance with the provisions of that Act. Federal Property and Administrative Services Act by adding after section 603 the following:

DISCRIMINATION

no person shall on the ground of sex be excluded from the benefits of, or be subjected to any penalty or activity carried on or receiving any benefit under this Act. This provision shall be enforced in accordance with the rules similar to those already established.

lished with respect to racial and other discrimination under title VI of the Civil Rights Act of 1964. However, this remedy is not exclusive and will not prejudice or remove any other legal remedies available to any individual alleging discrimination."

SEC. 9. The provisions of this Act shall become effective one year after the date of enactment of this Act.

SEC. 10. Not later than thirty months after the effective date of this Act, and biennially thereafter, the Administrator and the Comptroller General of the United States shall each transmit to the Congress reports which cover the two-year period from such effective date and contain (1) a full and independent evaluation of the operation of this Act, (2) the extent to which the objectives of this Act have been fulfilled, (3) how the needs served by prior Federal personal property distribution programs have been met, (4) an assessment of the degree to which the distribution of surplus property has met the relative needs of the various public agencies and other eligible institutions, and (5) such recommendations as the Administrator and the Comptroller General, respectively, determine to be necessary or desirable.

Approved October 17, 1976.

LEGISLATIVE HISTORY:

- HOUSE REPORT No. 94-1429 (Comm. on Government Operations).
- SENATE REPORT No. 94-1323 (Comm. on Government Operations).
- CONGRESSIONAL RECORD, Vol. 122 (1976):
 - Aug. 24, considered and passed House.
 - Sept. 28, considered and passed Senate, amended.
 - Sept. 29, House agreed to Senate amendments.

42 USC 2000d.

Effective date. 40 USC 484 note.

Reports to Congress. 40 USC 493.



CTS# 3251559

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GOVERNMENTAL OFFICE

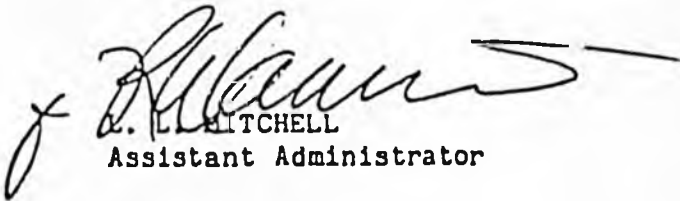
Honorable William Sheffield
Governor of Alaska
State Capitol
Juneau, Alaska 99801

Dear Governor Sheffield:

The Federal Property and Administrative Services Act of 1949, as amended, which governs the transfer for donation of Federal surplus personal property to the States, requires that each State submit a permanent plan of operation for its State Agency for Surplus Property (SASP). The Director of your State agency was advised on January 5, 1982, (copy enclosed) that the deadline for submission of permanent plans is June 30, 1984. We are bringing this matter to your attention at this time as failure to submit the required plan could necessitate our deferring further allocations of property to your State.

Your review of this matter and a reply by November 15, 1983, assuring us that we will receive the permanent plan prior to June 30, 1984, will be appreciated.

Sincerely,


D. L. MITCHELL
Assistant Administrator

Enclosure

OFFICE OF
MANAGEMENT & BUDGET

SEP 09 1983

GOVERNMENTAL
COORDINATION



FPRS DONATION PROGRAM
MEMORANDUM NO. DPD- 4-82

Date : JAN 5 1982

Reply to
Attn of : DPDA

Subject: Legislative State Plans of Operation

To : 1A 2A WA 4A 5A 6A 7A 8A 9A 10A
Directors of State Agencies for Surplus Property

RECEIVED 10DPU

2/16
FEB 16 1982

— SACHS	— JOHNSON
— BOERS	— SCHAEFER
— GRIST	— HAYES
— FURRIDGE	— POLLEY
	— SEITZ

1. Purpose. To inform all regional offices and Directors of State Agencies for Surplus Property of the need to replace temporary plans of operation with legislative State plans of operation.

2. Applicability. The information contained in this memorandum applies to all regional offices and State Agencies for Surplus Property.

3. Background. The Federal Property and Administrative Services Act of 1949, as amended, Section 203(j)(4)(A), provides that the legislature of each State must develop a plan of operation for its State Agency for Surplus Property before the State can participate in the donation program. These plans were to be approved by the chief executive officer of the State and filed with the Administrator of General Services for acceptance no later than 270 calendar days after October 17, 1976. The act further provides that a temporary State plan of operation could be filed with the Administrator, as an interim enabling device, in cases where a State found it impractical to prepare and submit a legislatively developed plan within the 270 day period. At this time, all but five State agencies (Oklahoma, South Carolina, South Dakota, Tennessee, and Wisconsin) are continuing to operate with temporary plans. It has been brought to our attention by the General Accounting Office that these temporary plans should be replaced with legislatively developed plans as soon as possible.

During recent congressional hearings on the implementation of Public Law 94-519, the General Services Administration proposed that the Federal Property Act be amended to provide for executive development and approval of permanent State plans, eliminating the need for legislative development. It was believed that this change would simplify and expedite completion of the required permanent plans. Congressional members attending the hearings indicated that they do not favor such a change as they believe consideration of the relative needs of all public agencies and other eligible institutions will only occur if the plans are legislatively developed.

4. Procedures. Regional offices will take immediate action to ensure that all States within their area of responsibility, that have not already done so, proceed with the development of legislative plans of operation.

a. If the State has enacted a Uniform Administrative Procedure Act, it is suggested that the State's Attorney General determine whether or not the temporary State plan of operation, which is currently used as the authority to operate the State agency, may be considered as having been promulgated and approved by the legislature as an act of the legislature. If this is the case, a letter from the Attorney General stating that fact should be submitted through the regional office to the Central Office for final acceptance.

JAN 5, 1982 MEMO

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DIVISION OF
GENERAL SERVICES & SUPPLY

b. In the event the above opinion cannot be obtained, we suggest the legislature pass a resolution adopting the present plan under which the State agency is operating. A certified copy of the resolution as enacted by the legislature should be submitted through the regional office to the Central Office for final acceptance. For your information, copies of the resolutions prepared and passed by the legislatures of the States of Tennessee and South Dakota adopting their temporary plans of operation as legislative plans are included with this memorandum as Enclosures 1 and 2.

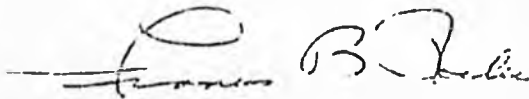
c. If a State determines that it cannot use either of the methods outlined in paragraphs a and b above to convert its temporary plan, it will be necessary for the State's legislature to develop a new plan in accordance with the procedures set forth in Section 203(j)(4) of the Federal Property Act.

5. Required Completion Date. Legislatively developed plans of operation for all States must be received at the Central Office for review and acceptance by the Administrator of General Services no later than June 30, 1984.

6. Codification. This memorandum will not be incorporated into the Donation Handbook, PRM P 4025.1.

7. Cancellation. This memorandum will be canceled effective October 1, 1984.

8. Coordination. Questions pertaining to the instructions contained in this memorandum should be directed to Mr. Don Crouch, Donation Division, (703) 557-0756.



FRANCIS B. ROCHE
Assistant Commissioner
Office of Personal Property

Enclosures

cc: AR

4/84 1 Fire truck valued at \$10,500.00, issued to DOT/PF, Yakutat for \$500.00.

Issued to Northwest Arctic School District the following:

	Item	Value	S/H
<i>4/84</i>	1 Truck	\$ 3,984.00	\$30.00
	1 Dump truck	10,250.00	30.00
	1 Dump truck	4,943.00	30.00
	1 Tractor	29,963.00	30.00

4/84 1 Mobile Enforcement Testing Facility valued at \$379,767.00, issued to the Alaska Vocational Technical Center for \$3,000.00.

- 12/83* 1 Power Saw valued at \$3,151.00, issued to the Municipality of Anchorage for \$300.00.
- 2 Containers valued at \$4,684.00 each, issued to the Municipality of Anchorage for \$25.00 each.

The following items were issued to the City of Elim:

	Item	Value	S/H
<i>12/83</i>	1 Tractor	\$26,851.00	\$537.02
	1 Generator motor	22,021.00	440.42
	1 Tractor	26,389.00	527.78
	1 Tractor	26,851.00	537.02
	1 Dump truck	25,945.00	518.90
	1 Scraper	31,508.00	630.16
	1 Scraper	33,349.00	666.98

(Totals) \$ 192,914.00 *\$ 3,858.28*

11/83 1 Barge valued at \$150,000.00, issued to Metlakatla Indian Community for \$500.00.

- 10/83* 1 Truck valued at \$8,338.00, issued to the Adult Corrections Agency for \$300.00.
- 2 Aircraft engines valued at \$10,500.00 each, issued to the Transportation Museum of Alaska, Inc. for \$500.00, each.

9/83 Miscellaneous equipment including crane, D7 CAT, rock crusher, 2 1/2 yard power shovel, tractor, and a vehicle totaling \$99,164.02, issued to the City of Hyaburg for \$500.00.

8/83 1 Truck valued at \$24,285.00, issued to the Dept. of Corrections in Palmer for \$800.00.

1 Truck valued at \$6,000.00, issued to the Municipality of Anchorage for \$500.00.

1 Welding unit valued at \$6,500.00, issued to the Municipality of Anchorage for \$200.00.

The following items were issued to the City of Newhalen for \$2,000.00:

	ITEM	VALUE
<i>7/83</i>	1 Cargo truck	\$4,720.00
	1 Cargo truck	3,000.00
	1 Cargo truck	2,467.00
	1 Dump truck	11,101.00
	1 Cargo truck	7,169.00
	1 Grader	19,724.00
	1 Trailer	1,254.00
	1 Track vehicle	8,005.00
	1 Tractor	33,023.00
	1 Tractor	33,023.00

123,486.00

2000 ÷ 123486 = 1.6%

SAMPLE ISSUES DONATED

State of Alaska
Permanent Plan of Operations

1. AUTHORITY

The Department of Administration, State of Alaska, is authorized by Sections 44.71.020 - 44.71.040 of the Alaska Statutes to acquire, warehouse, and distribute surplus property to all eligible donees in the State, to enter into cooperative agreements pursuant to the provisions of Federal Property Management Regulations (FPMR) 101-44.026, and to undertake actions and provide additional assurances as set forth in the plan.

Sixty (60) calendar days prior to submission of this plan to the Administrator of General Services (GSA), general public notice of the proposed plan was published and interested parties were given a period of thirty (30) calendar days in which to submit comments. These comments, together with a delineation of the relative needs and resources of all public agencies and other eligible donees were taken into consideration in the development of this plan.

2. DESIGNATION OF THE STATE AGENCY

The plan shall be administered by the State and Federal Property Management Section, Division of General Services and Supply, Department of Administration. The Section, hereinafter called the State agency, has complete responsibility and authority to carry out the requirements of acquiring, warehousing, and distributing Federal surplus property in the State of Alaska, pursuant to the provisions of Federal Property and Administrative Services Act of 1949, as amended (the Act). The Section is administered by the Property Manager, State and Federal Property, and supervised by the Section Supervisor. Staffing structure is shown in Attachment A, physical facilities are described in Attachment B.

PERMANENT PLAN

3. INVENTORY CONTROLS AND ACCOUNTING SYSTEMS

A. Inventory Controls

(1) Immediately upon arrival at the warehouse, property will be moved into the receiving area for check-in. If personnel are not immediately available, the property will be held in a protected area until it can be checked in. Shipping documents, and the applicable SF 123 and its attachments, will be used to check and identify property. Overage and shortage reports and SF 123's will be prepared in accordance with the requirements of the Federal Property Management Regulation (FPMR) 101-44.115 and mailed to the GSA regional office. Upon verification of the description, condition, and quantity of the property, a warehouse property tag will be prepared and attached to the item, or the item will be otherwise physically marked or binned, to identify it as follows:

- (a) Application number
- (b) Item number
- (c) Description, including serial number, if known.
- (d) Unit of issue
- (e) Unit service and handling charge

(2) Following verification of received information, stock records will be prepared on all items having an individual acquisition cost of \$10.00 or more. All action, including receipt, issue and inventory status, will be recorded on this card. The stock record card will be retained in file for three years after the property has been issued.

(3) A complete physical inventory of all material in possession of the State agency will be taken annually. Shortages and overages will be listed on the annual inventory report. This report will be used to record inventory adjustments and must be approved by the supervisor before posting to stock cards. Adjustments will be made only when all reasonable efforts have been exhausted to determine the reason for variance. A letter to this effect, signed by the supervisor, will be attached to the completed inventory documents.

B. Accounting Systems

A State approved double entry accounting system will be used. It will include a chart of accounts, a general ledger with accounts for all assets, liabilities, income and expense and journals for all original record of transactions. It will identify and separately account for funds accumulated from service charges. Monthly and fiscal year-end reports will be provided for management visibility and program control.

4. RETURN OF DONATED PROPERTY

- A. When a determination has been made that property has not been put in use by a donee within one year from the date of receipt of the property, or when the donee has not used the property for one year thereafter under the terms and conditions of the Application Certification and Agreement Form signed by the Administrative Officer or other authorized representative of the donee as a condition of eligibility and repeated on the reverse side of each Issue Document, the donee, if property is still usable as determined by the State agency must:
- (1) Return the property at its own expense to the State agency warehouse, (or)
 - (2) Retransfer the property to another eligible donee as directed by the State agency, (or)
 - (3) Make such other disposal of the property as the State agency may direct.
- B. The State agency will periodically emphasize this requirement when corresponding and meeting with donees and when surveying the utilization of donated property at donee facilities. Property returned by a donee will be received into inventory stock control for reissuance to other donees.

5. FINANCING AND SERVICE CHARGES

- A. A revolving fund, established by legislative action, finances the acquisition and distribution of surplus federal property. This fund is maintained by the collection of service and handling charges and is designed to pay the actual expenses of current operations, to purchase necessary equipment, and to maintain a working capital reserve.
- B. Service charges will be based on the prorated preceding fiscal year expenses incurred by the agency, including but not limited to the following major cost areas: personnel, transportation, utilities, fuels, telephone, warehousing and storage, compliance, insurance, printing, supplies and travel. Service charges will be assessed at a rate designed to cover all costs involved in the acquisition and distribution of surplus property.

The service charges will be fair and equitable in relation to the service performed. Emphasis will be placed on keeping the service charge to a minimum but at the same time providing the necessary service and to operate the agency on a sound financial basis. Other factors considered in determining service charges include original acquisition cost, present value, screening cost, quantity, condition, desirability of property, transportation cost, loading and unloading cost, packing and crating, administrative cost, repair and

rehabilitation, utilization and compliance audits, and delivery to donees when required.

As a general guide based on the above listed factors and following exceptions, the following schedule is to be used in determining service charges:

<u>Percent</u>	<u>Original Acquisition Cost</u>
0 - 40	\$ 0 - 200
0 - 20	\$ 201 - 4,000
0 - 15	\$ 4,001 - 15,000
0 - 10	\$15,001 - upward

(not to exceed \$10,000 per any one item)

Exceptions - special or extraordinary cost may be added to the service charge if not calculated as part of the above. Any such costs which are anticipated will be discussed with the donee prior to issue and/or shipment. Consideration may be given to:

- (1) Rehabilitated property - direct costs for rehabilitating property.
- (2) Overseas property - additional direct costs for returning the property to the United States.
- (3) Long-haul property - charges for major items with unusual loading, unloading, or hauling costs.
- (4) Special handling - for dismantling, packing, crating, shipping, delivery, and other extraordinary handling charges.
- (5) Screening - extraordinary costs incurred in screening.

- C. If the working capital reserve should reflect an excessive amount, service charges will be adjusted downward until an even balance is realized. In the event the program is terminated, assets will be converted to cash and will be divided among the participating donees of the preceding twelve months, based on a proration of the amount of service charges paid by each donee during that period.
- D. Minimum service charges may be assessed in cases where the State agency provides minimum services and no direct costs are involved. These charges reflect the basic costs of document processing as well as the administrative costs of the State agency.

When the self-service donee screens and picks up his own property, the optional minimum charges will be not less than \$50.00, plus \$2.00 for each line-item beyond one. If the donee is notified of the availability of property by a special notice issued by the Agency, there shall be an additional charge of \$5.00.

When the donee picks up property at the holding agency, the normal service charge may be reduced to reflect the savings realized by the Alaska Surplus Property Management Section by not having to transport the property.

When an item issued to a self-service donee is subject to Federal restrictions and mandatory compliance inspections, there shall be added to the minimum charge the estimated cost of such inspections. Subject to Federal regulations, compliance reviews may be made by having the donee submit a written report stating that the property is in use and what it is being used for, thus eliminating mandatory on-site visits. In this event, there shall be an additional charge of only \$10.00 multiplied by the number of such reports required.

When services of special screening or consultation are requested by the self-service donee and performed by the Agency, the charge for such services shall be \$20.00 per hour for each employee assigned to provide such special service, calculated to the nearest half-hour increment, with a minimum of one half-hour per person assigned. Travel, per diem and other direct costs may be added to the charge.

- E. Service charge funds remitted by donees will be used for the operation of the Agency and the benefit of the participating donees, and for no other purpose. All service charges will be used only to fund the cost of State Agency operations and, subject to State law, to improve or acquire office and warehousing facilities, purchase necessary equipment and supplies, and to repair and rehabilitate equipment, including purchase of replacement parts.

6. TERMS AND CONDITIONS ON DONABLE PROPERTY

- A. (1) The State agency will require each eligible donee, as a condition of eligibility, to file with the agency an Application Certification and Agreement Form outlining the certifications and agreements, and the terms, conditions, reservations and restrictions under which all Federal surplus personnel property will be donated. Each form must be signed by the Chief Executive Officer of the donee agreeing to these requirements prior to the donation of any surplus property. The certifications and agreements, and the terms, conditions, reservations and restrictions will be printed on the reverse side of each State agency issue document. The issue documents are included in part 14, "Forms", of this plan.
- (2) The following periods of restriction are established by the State Agency on all items of property with a unit acquisition cost of \$3,000 or more, and on all passenger motor vehicles.
 - (a) All passenger motor vehicles: 18 months from the date the property is placed in use.
 - (b) Items with a unit acquisition cost of \$3,000 or more: 18 months from the date the property is placed in use.

- (c) Aircraft (except combat type) and Vessels 50 feet or more in length, with a unit acquisition cost of \$3,000 or more: 60 months from the date the property is placed in use. Such donations shall be subject to the requirements of the Conditional Transfer Document, Enclosures 14.3 and 14.4.
 - (d) Aircraft, combat type: restricted in perpetuity. Donation of combat type aircraft shall be subject to the requirements of a Conditional Transfer Document, Enclosure 14.2.
- (3) The State agency may reduce the period of restriction on items of property falling within the provisions of Paragraph 6a (2), (b) and (c) at the time of donation for good and sufficient reason such as the condition of the property, or the proposed use (secondary, cannibalization, etc.), but in no case shall the period of restriction be less than the 12 months from the date the property is put into use.
 - (4) The State agency, at its discretion and when considered appropriate, may impose such terms, conditions, reservations and restrictions as it deems reasonable on the use of donable property other than passenger motor vehicles and items with a unit acquisition cost of over \$3,000 or more.
- B.
- (1) The State agency may amend, modify, or grant release of any term, condition, reservation, or restriction it has imposed on donated items of personal property in accordance with prescribed standards provided that the conditions pertinent to each situation have been affirmatively demonstrated to the prior satisfaction of the State agency and made a matter of public record.
 - (2) The State agency will impose on the donation of any surplus item of property, regardless of unit acquisition cost, such conditions involving special handling or use limitations as the General Services Administration may determine necessary because of the characteristics of the property.
 - (3) The State agency will impose on all donees the statutory requirement that all items donated must be placed into use within one year of donation and be used for one year after being placed in use, or returned to the State agency, while the property is still usable, or otherwise handled in accordance with the provisions of Part 4 of the plan.

7. NONUTILIZED DONABLE PROPERTY

- A. (1) All property in the possession of the State agency for 18 months, which cannot be utilized by eligible donees shall be reported to the General Services Administration for disposal authorization in accordance with FPMR 101-44.205. In accordance with this regulation the State agency shall:

- (a) Transfer the property to another State or Federal agency, OR
 - (b) List the property for public sale by (or with approval of) the GSA, OR
 - (c) Abandon or destroy the property (on receipt of GSA approval).
- (2) In the event of disposal by transfer to another agency or by public sale, the State agency may seek such reimbursement as is authorized in accordance with FPMR 101-44.205.

8. FAIR AND EQUITABLE DISTRIBUTION

The State agency will make property available to the eligible donees in the State on a fair and equitable basis. When eligible donees indicate an interest in property it will be distributed on a fair and equitable basis, considering their need, resources and ability to utilize the property.

- A. Advisory bodies and public and private groups may submit information to assist the Alaska Surplus State agency in determining the relative needs and resources of donees, utilization of property by donees, and distribution of property to fill existing needs.

This information may be communicated in writing or orally at any time by the bodies or groups. Once the State agency knows of these bodies or groups and their areas of interest, the Agency will contact the appropriate bodies or groups, either in writing or orally, when deemed necessary to carry out the intent of the program.

Such bodies and groups will be invited to submit expressions of need and interest to the Agency, which will in turn forward such submissions to GSA.

Factors considered in determining relative needs, resources and ability to utilize the property will include:

- (1) Relative needs

In considering the request of potential recipients, the criteria for determining the relative needs will include:

- (a) Size and type of program conducted.
- (b) Contemplated use and frequency of use.
- (c) Economic condition of agency, activity or institution.
- (d) Critical or urgent need.
- (e) Geographical location (urban, suburban or rural).
- (f) Interest and expression of need on the part of the donee in the property available.

(2) Relative resources

In considering the request of potential recipients, the criteria for determining relative resources will include:

- (a) Funding source and availability (grants, donations, taxes, etc.).
- (b) Feasibility of acquisition from other source(s).

(3) Ability to utilize.

In considering request of potential recipients, the criteria for evaluating ability to utilize property will include:

- (a) urgency of the need
- (b) When item can be put in use.
- (c) Length of time in contemplated usage.
- (d) Availability of funds to repair or maintain property in use.
- (e) Ability of the donee to select and remove property from the distribution center or Federal activity on a timely basis.
- (f) Type and quantity of property received by the donee to date, and proper utilization of such prior acquisition(s).

- B. (1) The State agency operates a distribution center to serve the eligible donees in the distribution of available property. To insure that eligible donees located a greater distance from the distribution center will receive equity in the distribution of desirable items, all donees are invited to submit a listing of major items needed such as, vehicles, construction equipment, materials handling equipment, machine tools, generators, air compressors, business machines, boats, aircraft, large electronic and scientific type items, etc. The agency employees will be guided by these requests in their research and selection of property. This equipment (major items) will be distributed on the basis of need, resources, and ability to utilize the property as outlined in Section A. above. The distribution center is open for donees to visit seven and one half hours per day, five days a week, excluding recognized State holidays.
- (2) Small miscellaneous items will be available on a supermarket plan, with quantity limits to any one donee depending upon the total quantity on hand.

(3) Periodically, special notices will be mailed to donees listing property available for distribution.

a) Frequency of such notices will be determined by agency workload and accumulations of available inventory.

C. The State agency will recommend to General Services Administration the certification of donee screeners determined to be qualified and needed in accordance with FPMR 101-44.116. The State agency will, insofar as practical, economical, and considering equitable distribution among its donees, select that property requested by the donees, and agency will arrange for direct pickup or shipment of the property to the donee if requested to do so.

D. Donees that experience a local disaster or loss of property due to fire, flood, tornado, etc. will temporarily be given priority for all requested items of property. Special efforts will be made to locate and distribute needed property to them.

E. Where competing requests are received for property items, the State agency will make a determination as to the recipient based on the evaluation of the criteria in paragraph A. above.

9. ELIGIBILITY

A. (1) The State agency will attempt to contact and instruct all known potential donees in the State on the procedures to follow to establish their eligibility for participation in the Federal surplus property program. In establishing a listing of the potential donees, the State agency will use the following standards and guidelines set forth in FPMR 101-44.207 as well as the following guides:

(a) Public agencies

1. Listing of cities, towns, and villages.
2. Listing of boroughs, judiciary, State departments, divisions, councils, commission, institutions, etc.
3. Listings of local departments, divisions, commissions, councils, etc.

(b) Non-profit, tax-exempt units.

1. State departments and others for listings of all local units approved or licensed by them.
2. Existing listing of entities now eligible to participate in the Federal surplus property program.
3. Inquiries, letters, telephone calls, etc., received relative to eligibility.

- (2) Contacts will be made by letter, telephone, informational bulletins supplemented when necessary by news releases, and attendance at general meetings and conferences with above groups to discuss the surplus property program.
- (3) In order to establish eligibility, each entity will be required to file with the State agency:
 - (a) An Application Certification and Agreement Form signed by the chief executive officer accepting the terms and conditions under which property will be transferred.
 - (b) A written authorization signed by the chief administrator or executive head of the donee activity, or a resolution of the Governing Board designating one or more representatives to act for the applicant, obligate any necessary funds, and execute issue documents.
 - (c) Assurance of Compliance with GSA Regulations under Title VI of the Civil Rights Act of 1964, Section 605 of Title VI of the Federal Property and Administrative Services Act of 1949, as amended, and Section 504 of the Rehabilitation Act of 1973, as amended, and Section 303 of the Age Discrimination Act of 1975.
 - (c) The full legal name of applicant (donee), address and telephone number and their status as a public agency or non-profit tax-exempt educational or public health unit.
 - (e) Details and scope of their program including their different activities and functions.
 - (f) Financial information, if necessary, to help in evaluation of their relative needs and resources.
 - (g) Proof of donee's tax-exemption under Section 501 of the Internal Revenue Code of 1954 (for non-profit units only).
 - (h) Proof that the applicant is approved, accredited or licensed (when applicable) in accordance with FPIR 101-44.207.
 - (i) In addition to the above requirements, the agency will request listing as to the types and kinds of equipment, vehicles, machines or other items they need.

- (4) All approvals of eligibility will be up-dated as follows:
- (a) In sequence with expiration of any license required by donee (possible annual, semi-annual, etc.).
 - (b) Every three years, if there is no license required or if license expiration period exceeds three years.

10. COMPLIANCE AND UTILIZATION

All items having an acquisition cost of \$3,000 or more and passenger motor vehicles will be marked or coded in the stock records file in a manner that provides obvious identification. Separate warehouse issues will be prepared for each item with an acquisition cost of \$3,000 or more, and passenger motor vehicles; an additional statement, pointing out utilization requirements will be typed on the face of the issue document advising the donee that this item must be placed in use within one year and used for a period of 18 months thereafter.

All passenger motor vehicles, and any other motor vehicle requiring licensing by the Department of Motor Vehicles will be licensed, with the State agency shown as lien holder. When the vehicle has been utilized in accordance with all instructions and restrictions, and the period of restriction has expired, the State agency will release the cleared title to the donee.

At least once during the period of restriction, State agency personnel will review all issues of items with an acquisition cost of \$3,000 or more and all passenger motor vehicles, to determine whether or not these items are being utilized in accordance with the purposes for which they were acquired. At the same time, a review will be made of other items issued to make certain that Federal surplus property items are being used as indicated on the applicable issue document(s).

Also, during the review the State agency representative will insure that the donee is complying with any special handling conditions or use limitations imposed by GSA on items of Federal surplus property in accordance with FPMR 101-44.108. The review will include a survey of the donee's compliance with the statutory requirement that all items of Federal surplus property acquired by the donee be placed into use within one year of acquisition and used for one year thereafter. Written reports on utilization and compliance reviews will be made a part of the applicable donee file. Whenever there is any indication of misuse, noncompliance, or alleged fraud, the proper steps will be taken to correct the discrepancy, including a report to the F.B.I. if appropriate. GSA will be notified of all findings/indications of noncompliance, or apparent misuse/fraud. The State agency may take action to prosecute cases of fraud or misuse and will assist GSA and other Federal and State agencies in investigating such cases.

While on-site compliance review is planned for performance by personnel of the State agency, compliance letters/forms may be used to satisfy this requirement except for items with an acquisition cost of \$3,000 or more and/or for passenger motor vehicles. Exceptions to on-site compliance reviews may be made by GSA if the State Agency can show that such reviews are physically or economically unfeasible to perform.

11. AUDIT

A. Internal

An internal fiscal audit of the State agency will be conducted every two years with a full report of findings, recommendations, and corrective actions taken, submitted to the Commissioner of the Department of Administration and a copy to GSA.

B. External

An external audit, with primary emphasis on program operations and fiscal accounting will be conducted by the Legislative Budget and Audit Committee every two years, on the year(s) alternate to the internal audit schedule.

This (external) audit will examine the State agency's conformance to the State Plan of Operations, applicable State statutes and Regulations, and requirements of Public Law 94.519 and 41.CFR 101.44.

Audit results will be submitted to the Commissioner, Department of Administration, as will response(s) to recommendations and corrective action taken. A copy of the external audit report, recommendations, corrective actions and other correspondence pertinent to the audit, will be forwarded to GSA.

GSA representatives may review State agency operations periodically and may, for appropriate reasons, conduct its own audit of the State agency following due notice to the Governor of the reasons for such audit. Financial records and all other books and records of the State agency shall be made available to all authorized Federal agencies/representatives.

12. COOPERATIVE AGREEMENTS

The Department of Administration is authorized under Alaska Statute 44.71.020 (d) to enter into cooperative agreements with any Federal agency authorized by law, for the utilization by such Federal agency, with or without payment or reimbursement, of the property, facilities, personnel and services of the State Agency in carrying out any such program, and for making available to the State Agency with or without reimbursement, property, facilities, personnel or services of such Federal agency in connection with such utilization.

13. LIQUIDATION

If and when a determination is made to liquidate the State agency, advance notice will be given to GSA in accordance with the specific requirements of FPMR 101-44.202(c) (14) with the reason for liquidation; schedule of time to effect the closure; and report to GSA of the property on hand for retransfer, destruction, or sale. At liquidation, physical assets will be converted to cash, and the proceeds will be used first to satisfy all liabilities. Any remaining funds will be distributed to donees on a pro-rata basis as determined by donee participation during the previous twelve month period. Records and accounting information will be retained for two years after closure.

14. FORMS

Enclosure 14.1, copy of Terms, conditions, reservations and restrictions on reverse of warehouse Issue/Invoice.

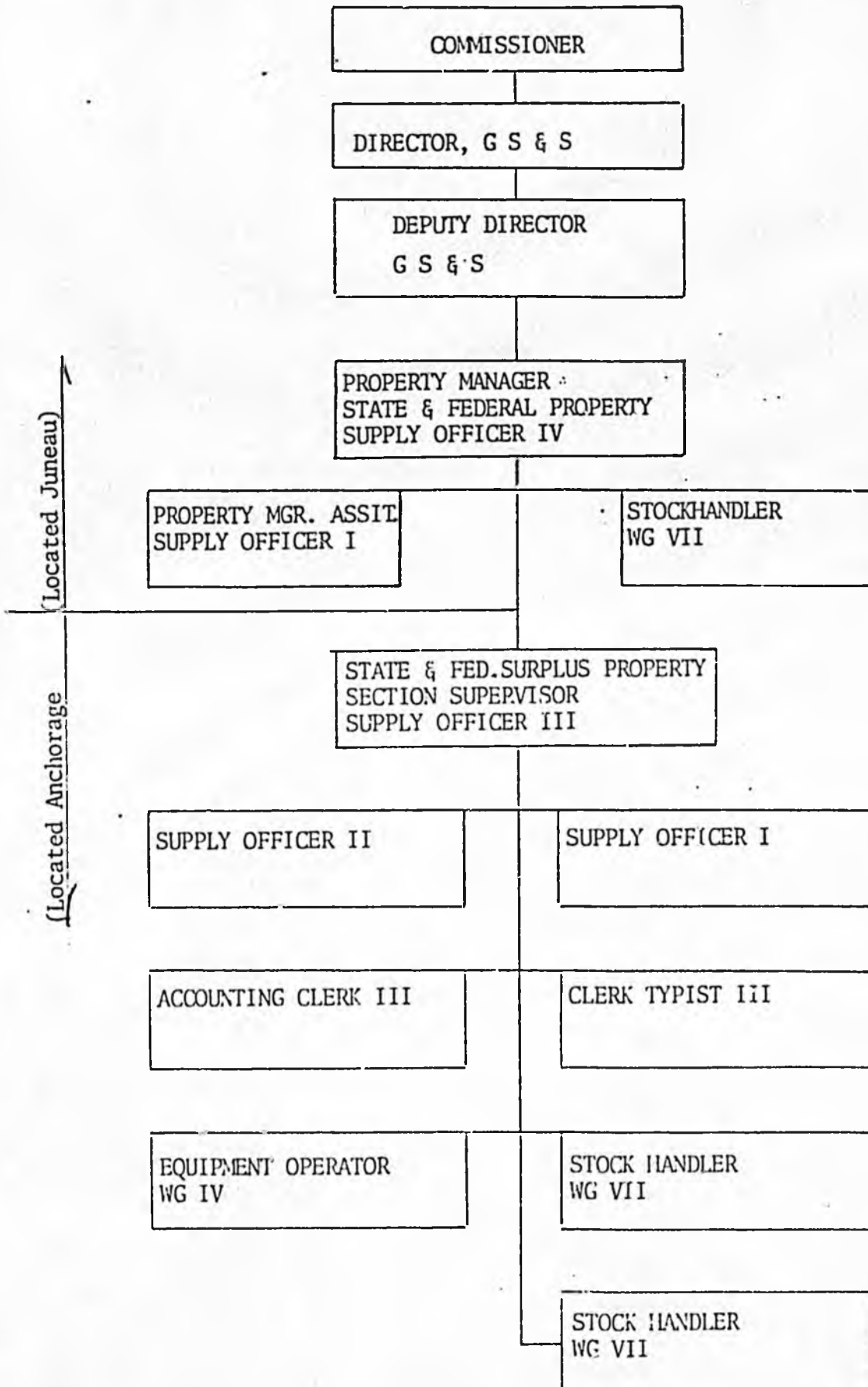
Enclosure 14.2, Conditional Transfer Document - Combat Type Aircraft.

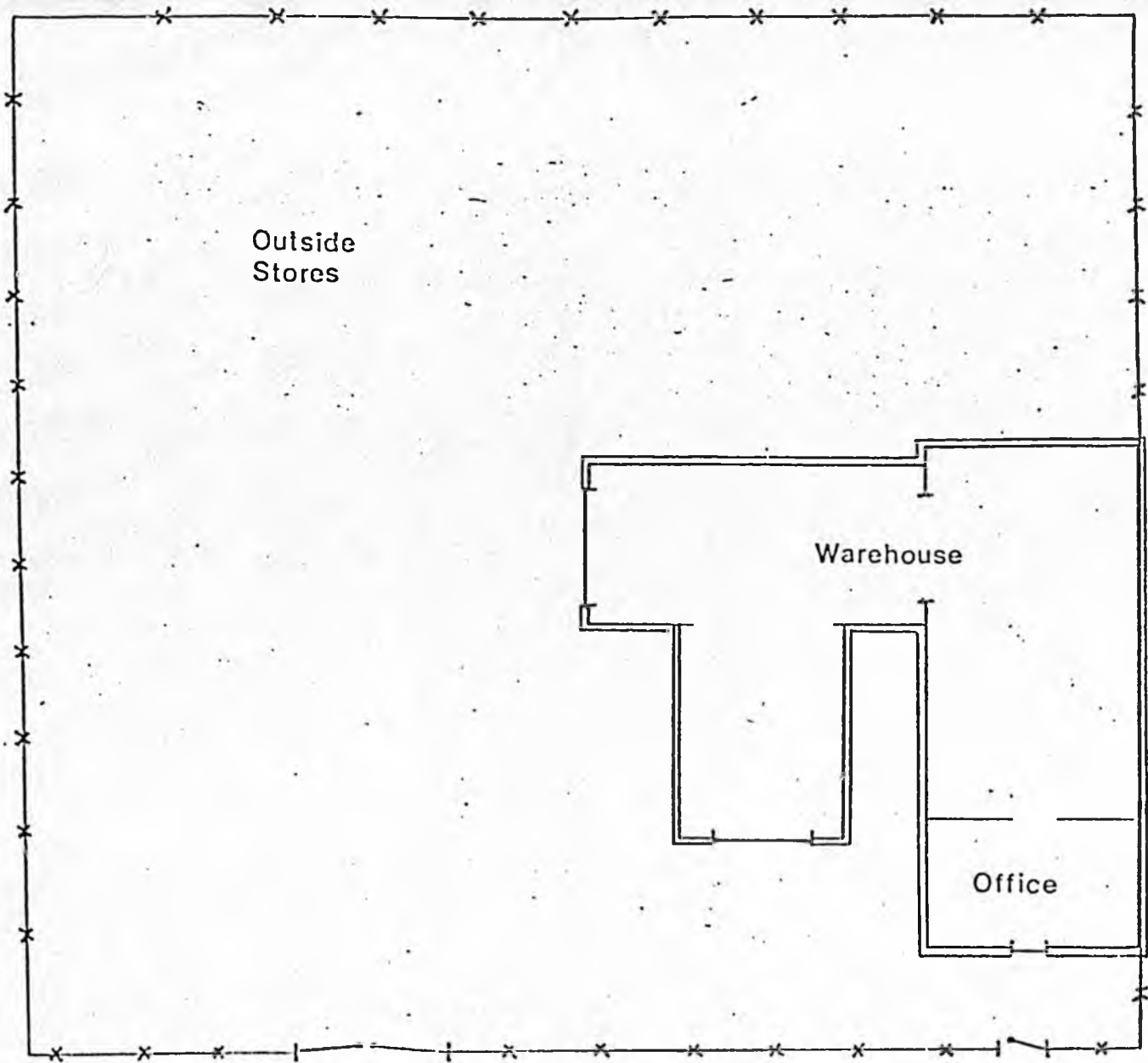
Enclosure 14.3, Conditional Transfer Document - Noncombat Type Aircraft.

Enclosure 14.4, Conditional Transfer Document - Vessel.

15. RECORDS

Copies of Form 123 allocations, warehouse issue sheets, invoice documents, log books, and all other official records of the agency will be maintained for three years. Documents concerning items subject to restriction will be maintained for three years, or for one year beyond the expiration of the restriction period whichever is longer. Records for property in compliance status will be maintained for one year after the case is closed.





- Buildings & Grounds owned by State of Alaska
- Inside Storage - - 9,000 sq ft
- Outside Storage - - 50,000 sq ft

(a) THE DONEE CERTIFIES THAT:

(1) It is a public agency; or a nonprofit educational or public health institution or organization, exempt from taxation under Section 501 of the Internal Revenue Code of 1954; within the meaning of Section 203(j) of the Federal Property and Administrative Services Act of 1949, as amended, and the regulations of the Administrator of General Services.

(2) If a public agency; the property is needed and will be used by the recipient for carrying out or promoting for the residents of a given political area one or more public purposes, or, if a nonprofit tax-exempt institution or organization, the property is needed for and will be used by the recipient for educational or public health purposes, and including research for such purpose. The property is not being acquired for any other use or purpose, or for sale or other distribution; or for permanent use outside the State, except with prior approval of the State agency.

(3) Funds are available to pay all costs and charges incident to donation.

(4) This transaction shall be subject to the nondiscrimination regulations governing the donation of surplus personal property issued under Title VI of the Civil Rights Act of 1964, section 606 of Title VI of the Federal Property and Administrative Services Act of 1949, as amended, section 504 of the Rehabilitation Act of 1973, as amended, Title IX of the Education Amendments of 1972, as amended, and section 303 of the Age Discrimination Act of 1975.

(b) THE DONEE AGREES TO THE FOLLOWING FEDERAL CONDITIONS:

(1) All items of property shall be placed in use for the purpose(s) for which acquired within one year of receipt and shall be continued in use for such purpose(s) for one year from the date the property was placed in use. In the event the property is not so placed in use, or continued in use, the donee shall immediately notify the State agency, and at the donee's expense, return such property to the State agency, or otherwise make the property available for transfer or other disposal by the State agency, provided the property is still usable as determined by the State agency.

(2) Such special handling or use limitations as are imposed by General Services Administration (GSA) on any item(s) of property listed hereon.

(3) In the event the property is not so used or handled as required by (b) (1) and (2), title and right to the possession of such property shall at the option of GSA revert to the United States of America and upon demand the donee shall release such property to such person as GSA or its designee shall direct.

(c) THE DONEE AGREES TO THE FOLLOWING CONDITIONS IMPOSED BY THE STATE AGENCY, APPLICABLE TO ITEMS WITH A UNIT ACQUISITION COST OF \$3,000 OR MORE AND PASSENGER MOTOR VEHICLES, REGARDLESS OF ACQUISITION COST, EXCEPT VESSELS 50 FEET OR MORE IN LENGTH AND AIRCRAFT.

(1) The property shall be used only for the purpose(s) for which acquired and for no other purpose(s).

(2) There shall be a period of restriction which will expire after such property has been used for the purpose(s) for which acquired for a period of 18 months from the date the property is placed in use, except for such items of major equipment, listed hereon, on which the State agency designates a further period of restriction.

(3) In the event the property is not so used as required by (c) (1) and (2) and Federal restrictions (b) (1) and (2) have expired then title and right to the possession of such property shall at the option of the State agency revert to the State of Alaska and the donee shall release such property to such person as the State agency shall direct.

(d) THE DONEE AGREES TO THE FOLLOWING TERMS, RESERVATIONS AND RESTRICTIONS:

(1) From the date it receives the property listed hereon and through the period(s) of time the conditions imposed by (b) and (c) above remain in effect, the donee shall not sell, trade, lease, lend, bail, cannibalize, encumber, or otherwise dispose of such property, or remove it permanently, for use outside the State, without the prior approval of GSA under (b) or the State agency under (c). The proceeds from any sale, trade, lease, loan, bailment, encumbrance or other disposal of the property, when such action is authorized by GSA or by the State agency, shall be remitted promptly by the donee to GSA or the State agency, as the case may be.

(2) In the event any of the property listed hereon is sold, traded, leased, loaned, bailed, cannibalized, encumbered, or otherwise disposed of by the donee from the date it receives the property through the period(s) of time the conditions imposed by (b) and (c) remain in effect, without the prior approval of GSA or the State agency, the donee, at the option of GSA or the State agency shall pay to GSA or the State agency, as the case may be, the proceeds of the disposal or the fair market value or the fair rental value of the property at the time of such disposal, as determined by GSA or the State agency.

(3) If at any time, from the date it receives the property through the period(s) of time the conditions imposed by (b) and (c) remain in effect, any of the property listed hereon is no longer suitable, usable, or further needed by the donee for the purpose(s) for which acquired, the donee shall promptly notify the State agency, and shall, as directed by the State agency, return the property to the State agency, release the property to another donee or another State agency, a department or agency of the United States, sell or otherwise dispose of the property. The proceeds from any sale shall be remitted promptly by the donee or the State agency.

(4) The donee shall make reports to the State agency on the use, condition, and location of the property listed hereon, and on other pertinent matters as may be required from time to time by the State agency.

(5) At the option of the State agency, the donee may abrogate the conditions set forth in (c) and the terms, reservations and restrictions pertinent thereto in (d) by payment of an amount as determined by the State agency.

(e) THE DONEE AGREES TO THE FOLLOWING CONDITIONS, APPLICABLE TO ALL ITEMS OF PROPERTY LISTED HEREON.

(1) The property acquired by the donee is on an "as is," "where is" basis, without warranty of any kind.

(2) Where a donee carries insurance against damages to or loss of property due to fire or other hazards and where loss of or damage to donated property with unexpired terms, conditions, reservations or restrictions, occurs, the State agency will be entitled to reimbursement from the donee out of the insurance proceeds, of an amount equal to the unamortized portion of the fair value of the damaged or destroyed donated items.

(f) TERMS AND CONDITIONS APPLICABLE TO THE DONATION OF AIRCRAFT AND VESSELS (50 FEET OR MORE IN LENGTH) HAVING AN ACQUISITION COST OF \$3,000 OR MORE, REGARDLESS OF THE PURPOSE FOR WHICH ACQUIRED:

The donation shall be subject to the terms, conditions, reservation and restrictions set forth in the Conditional Transfer Document executed by the authorized donee representatives.

(g) THE DONEE AGREES TO THE FOLLOWING TERMS AND CONDITIONS IMPOSED BY THE STATE AGENCY APPLICABLE TO ITEMS WITH A UNIT ACQUISITION COST OF UNDER \$3,000: NONE.

COMBAT-TYPE AIRCRAFT CONDITIONAL TRANSFER DOCUMENT

KNOW ALL MEN BY THESE PRESENTS: That the United State of America acting by and through the State of _____, State Agency for Surplus Property or State Agency for Federal Property Assistance (hereinafter called the Donor) pursuant to the powers and authority contained in the Federal Property and Administrative Services Act of 1949 (63 Stat. 377), as amended, for and in consideration of and in reliance upon the representations of _____ whose address is _____

_____ (hereinafter called the Donee) that the property hereinafter described is required in the furtherance of the Donee's program and that such property will be used solely in connection with such programs and more specifically for all the following purposes:

in accordance with the proposed program and plan as set forth in the Donee's "Letter of Intent" dated _____, as amended _____, which Expression of Interest is hereby incorporated herein and made a part hereof, and for no other purpose, does hereby deliver, sell, assign, and transfer all rights, title, and interest in and to the following described combat-type aircraft, aircraft engines, and propellers,

together with all engines, appurtenances, and accessories attached thereto or installed therein (all of which are hereinafter referred to as the Property), which has been determined to have a fair value of \$ _____, unto the Donee to have and to hold the Property, all singular forever, this donation being made on an "as is, where is" basis without warranty of any kind, and delivery made at the present location of the Property regardless of where the same may be situated or the condition thereof; Subject, however, to the following conditions:

1. The Donee agrees that the aircraft Property shall not be used for flight purposes.
2. The Property shall be placed in use by the Donee for the purpose stated above no later than 12 months after acquisition thereof and shall be used thereafter for such purpose in perpetuity.
3. In the event the aircraft Property is not placed in use by the Donee within 12 months of receipt and used thereafter in the perpetuity, the Donee, within 30 days after the Property has ceased to be used, shall provide notice thereof, in writing to the Donor, or otherwise make the Property available for transfer, provided the Property is still usable as determined by the Donor, or otherwise dispose of the Property as the Donor may direct.

4. In the event the Property is not so used or handled as required by (1), (2), and (3), above, title and right to the possession of the Property shall at the option of the Donor revert to the United States of America. Upon demand the Donee shall, as directed by the Donor, or its designee, release the property to such person or agency as may be designated, sell the Property, or otherwise dispose of the Property. Any sale shall be for the benefit and account of the United States of America.

5. The Donee shall make reports to the Donor on the use, condition, and location of the Property and on other pertinent matters as may be required from time to time by the Donor.

6. The Donee shall not sell, trade, lease, lend, bail, encumber, cannibalize, or dismantle for parts, or otherwise dispose of the aircraft Property or any parts thereof, without prior written approval of the Donor. Any sale, trade, lease, loan, bailment, encumbrance, cannibalization, or other disposal of the Property, when such action is authorized in writing by the Donor, shall be for the benefit and account of the United States of America.

7. In the event the aircraft Property is no longer suitable, usable, or further needed by the Donee for the purpose for which acquired, the Donee shall promptly notify the Donor and shall as directed by the Donor:

- (a) Release the Property to another Donee or State agency;
- (b) Release the Property to a department or agency of the United States;
- (c) Release the Property to such other institution or agency as may be determined to have need therefor;
- (d) Sell the Property for the benefit and account of the United State of America;
- (e) Render the Property completely unfit and useless for any purpose except for the recovery of its basic material content, the same to be performed in a manner satisfactory to the Donor and the material content to be disposed of in accordance with instructions of the Donor, as appropriate, or its designee; or
- (f) Otherwise dispose of the aircraft Property.

8. In the event the aircraft Property is disposed of without prior written approval, or is used for a purpose other than the purpose stated, the Donee, at the option of the Donor, shall be liable to the United States of America for the proceeds of the disposal, the fair market value, or the fair rental value of the aircraft Property at the time of such unauthorized transaction or use, as determined by the Donor.

9. In the event of a breach by the Donee, or its successor in function, of any of the above conditions, whether caused by the legal inability of the said Donee or its successor in function, interest in and to the said aircraft Property shall, at the option of the Donor, forthwith revert to and become the property of the United States of America, and the Donee, or its successors or assigns, shall forfeit all of their rights, title, and interest in and to the said aircraft Property.

10. The Donor shall not grant waivers, amendments, releases, or terminate any of the terms and conditions enumerated in (1) through (9), above, concerning the use or disposal of the aircraft Property, or issue disposal instructions to the Donee for the aircraft without the prior written concurrence of the General Services Administration or its successor in function.

11. The Donor, with the prior written concurrence of the General Services Administration or its successor in function, may terminate such of the above conditions as it determines to be appropriate.

IN WITNESS WHEREOF, the Donor has duly executed this instrument this _____ day of _____, 19____.

United States of America, Acting by and through the _____ State Agency for Surplus Property or State Agency for Federal Property Assistance

By: _____

Title: _____

DONEE:

By: _____

Title: _____

Institute or Organization: _____

CITY of _____)
COUNTY of _____)
STATE of _____)

On this _____ day of _____, 19____, before me appeared _____, to me personally known, who, being by me duly sworn, says that he is the person who executed the foregoing instrument and that such

instrument was executed under duly delegated authority on behalf of the _____ State Agency for Surplus Property or State Agency for Federal Property Assistance, and acknowledged the foregoing instrument to be the free act and deed of the State of _____.

Given under my hand and official seal the day and year above written.

Notary Public in and for the
City of _____
County of _____
State of _____

(SEAL)

My Commission Expires: _____

CITY of _____)
COUNTY of _____)
STATE of _____)

On this _____ day of _____, 19____, before me appeared _____, to me personally known, who, being by me duly sworn, says that he is the person who executed the foregoing instrument on behalf of said _____, and acknowledges to me that he was authorized to execute the foregoing instrument and that he executed the same as a free act and deed of said _____.

Given under my hand and official seal the day and year above written.

Notary Public in and for the
City of _____
County of _____
State of _____

(SEAL)

My Commission Expires: _____

NON-COMBAT-TYPE AIRCRAFT CONDITIONAL TRANSFER DOCUMENT

KNOW ALL MEN BY THESE PRESENTS: That the United States of America acting by and through the State of _____, State Agency for Surplus Property (hereinafter called the Donor) pursuant to the powers and authority contained in the Federal Property and Administrative Services Act of 1949 (63 Stat. 377) as amended for and in consideration of and in reliance upon the representations of _____ whose address is _____

(hereinafter called the Donee) that the Property hereinafter described is required in the furtherance of the Donee's program and that such property will be used solely in connection with such programs and more specifically for all the following purposes:

in accordance with the proposed program and plan as set forth in the Donee's "Letter of Intent" dated _____, as amended _____, which Expression of Interest is hereby incorporated herein and made a part hereof, and for no other purpose, does hereby deliver, sell, assign, and transfer all of its rights, title, and interest in and to the following described noncombat-type aircraft, aircraft engines, and propellers,

together with all engines, appurtenances, and accessories attached thereto or installed therein, (all of which are hereinafter referred to as the Property), which has been determined to have a fair value of \$ _____, unto the Donee to have and to hold the Property, all singular forever, this donation being made on an "as is," "where is" basis without warranty of any kind, and delivery made at the present location of the Property regardless of where the same may be situated or the condition thereof; Subject, However, to the following conditions:

1. The Donee agrees to apply to the Federal Aviation Administration for registration of the Property which is intended for flight purposes within 30 days of the receipt of a fully executed copy of this instrument. The Donee's application for registration shall include a fully executed copy of this instrument.
2. The Property shall be placed in use for the purpose stated above no later than 12 months after acquisition thereof, and used for a 12 month period thereafter.

3. In the event the Donee does not apply to the Federal Aviation Administration for registration of the Property which is intended for flight operations, (or other uses unless registration is waived by the Donor) or in the event the aircraft Property is not placed in use within 12 months of receipt, and used for a 12 month period thereafter, the Donee, within 30 days after the Property has ceased to be used, provide notice thereof, in writing to the Donor, and at the Donee's expense, available for transfer, provided the property is still usable as determined by the Donor, or otherwise dispose of the Property as the Donor may direct.

4. In the event the Property is not so used or handled as required by (1), (2), and (3) above, title and right to the possession of the Property shall at the option of the Donor revert to the United States of America. Upon demand the Donee shall, as directed by the Donor, or its designee, release the Property to such person or agency as may be designated, sell the Property, or otherwise dispose of the Property. Any sale shall be for the benefit and account of the United States of America.

5. There shall be a further period of restriction beginning on the date the Property has been used for the period prescribed in (2) above. This period will expire after the Property has been used for the purpose stated for a period of 48 months.

6. During the period of restriction prescribed in (5) above, the Property shall be used only for the purpose stated.

7. During the periods of restriction prescribed in (2) and (5) above, the Donee shall make reports to the Donor on the use, condition, and location of the Property and on other pertinent matters as may be required from time to time by such Donor.

8. At the expiration of the period of restriction, prescribed in (5) above, a release document shall be executed by the Donor and be forwarded to the Donee.

9. During the periods of restriction prescribed in (2) and (5) above, the Donee shall not sell, trade, lease, lend, bail, cannibalize, encumber, or otherwise dispose of the Property, or remove it permanently for use outside the State, without the prior written approval of the Donor under (2), or under (5) above. The proceeds from any sale, trade, lease, loan, bailment, encumbrance, or other disposal of the Property during the period of restriction set forth in (2) above, when such action is authorized by the Donor shall be for the benefit and account of the United States of America, or for the benefit and account of the State of _____ during the period of restriction set forth in (5) above.

10. In the event, during the periods of restriction prescribed in (2) and (5) above, the Property is sold, traded, leased, loaned, bailed, encumbered, or otherwise disposed of without prior written approval, the Donee, at the option of the Donor shall be liable for the proceeds of the disposal, the fair market value, or the fair rental value of the Property at the time of such unauthorized transaction or use, as determined by the Donor.

11. If at any time, from the date the Donee receives the Property through the periods of restriction prescribed in (2) and (5) above, the Property is no

longer suitable, usable, or further needed by the Donee for the purpose for which acquired, the Donee shall promptly notify the Donor and shall as directed by the Donor:

- (a) Release the Property to another Donee or State agency; or
- (b) Release the Property to a Department or Agency of the United States; or
- (c) Release the Property to such other institution or agency as may be determined to have need therefore; or
- (d) Sell the Property with the proceeds remitted promptly from the Donee to the Donor; or
- (e) Render the Property completely unfit and useless for any purpose except for the recovery of its basic material content, the same to be performed in a manner satisfactory to the Donor and the material content to be disposed of in accordance with instructions of the Donor; or
- (f) Otherwise dispose of the Property.

12. At the option of the Donor, the Donee may obtain abrogation of the terms and conditions set forth in (5) through (11) above by payment of an amount determined by the Donor.

13. The Donor, may waive any, or may terminate all of the terms and conditions set forth in (5) through (11) above, and give unrestricted title to the Property in favor of the Donee whenever such action is determined to be appropriate.

IN WITNESS WHEREOF, the Donor has duly executed this instrument this _____ day of _____, 19____.

United States of America, Acting by and through the _____ State Agency for Surplus Property

By: _____

Title: _____

DONEE:

By: _____

Title: _____

Institute or Organization: _____

CITY of _____)
COUNTY of _____)
STATE of _____)

On this _____ day of _____, 19____, before me appeared _____, to me personally known, who, being by me duly sworn, says that he is the person who executed the foregoing instrument and that such instrument was executed under duly delegated authority on behalf of the _____ State Agency for Surplus Property or State Agency for Federal Property Assistance, and acknowledged the foregoing instrument to be the free act and deed of the State of _____.

Given under my hand and official seal the day and year above written.

Notary Public in and for the
City of _____
County of _____
State of _____

(SEAL)

My Commission Expires: _____

CITY of _____)
COUNTY of _____)
STATE of _____)

On this _____ day of _____, 19____, before me appeared _____, to me personally known, who, being by me duly sworn, says that he is the person who executed the foregoing instrument on behalf of said _____, and acknowledges to me that he was authorized to execute the foregoing instrument and that he executed the same as a free act and deed of said _____.

Given under my hand and official seal the day and year above written.

Notary Public in and for the
City of _____
County of _____
State of _____

(SEAL)

My Commission Expires: _____

VESSEL CONDITIONAL TRANSFER DOCUMENT

KNOW ALL MEN BY THESE PRESENTS: That the United States of America acting by and through the State of _____, State Agency for Surplus Property (hereinafter called the Donor) pursuant to the powers and authority contained in the Federal Property and Administrative Services Act of 1949 (63 Stat. 377) as amended for and in consideration of and in reliance upon the representations of _____ whose address is

_____ (hereinafter called the Donee) that the Property hereinafter described is required in the furtherance of the Donee's program and that such property will be used solely in connection with such programs and more specifically for all the following purposes:

in accordance with the proposed program and plan as set forth in the Donee's "Letter of Intent" dated _____, as amended _____, which expression of interest is hereby incorporated herein and made a part hereof, and for no other purpose, does hereby deliver, sell, assign, and transfer all rights, title, and interest in and to the following described vessel:

together with all engines, appurtenances, and accessories attached thereto or installed therein (all of which are hereinafter referred to as the Property), which has been determined to have a fair value of \$ _____, unto the Donee to have and to hold the said Property, all and singular forever, this donation being made on an "as is," "where is" basis without warranty of any kind and delivery is made at the present location of the Property regardless of where the same may be situated or the condition thereof:

SUBJECT, HOWEVER, to the following conditions:

1. The Donee agrees to obtain documentation of the vessel under the applicable laws of the United States and regulations promulgated thereunder and the applicable laws of the several States governing the documentation of said Property and at all times to maintain such documentation. Under written request and sufficient evidence to justify such action, the Donor, may waive the requirement for documentation in the case of donated vessels which are to be permanently moored on land and never to be used again on the waterways.
2. The Donee agrees to record this Vessel Conditional Transfer Document with the Coast Guard Documentation Officer at the port of documentation of the Property within sixty days after the receipt of the fully executed Vessel Conditional Transfer Document. If documentation is waived under (1) above, the requirement for registration may also be waived.

3. The Property shall be placed in use for the purpose stated above no later than 12 months after acquisition thereof and used for a 12-month period thereafter.

4. In the event the Donee does not record this Vessel Conditional Transfer Document with the Coast Guard Documentation Officer at the port of documentation of the Property within 60 days after the date of receipt of the fully executed Vessel Conditional Transfer Document, or in the event the Property is not placed in use within 12 months of receipt and used for a 12-month period thereafter, the Donee shall within 30 days after the date on which the instrument should have been recorded, or within 30 days after the Property has ceased to be used, provide notice thereof, in writing to the Donor, and at the Donee's expense, return such Property to the Donor, or otherwise make the Property available for transfer, provided the property is still usable as determined by the Donor or otherwise dispose of the Property as the Donor may direct.

5. In the event the Property is not so used or handled as required by (1), (2), (3), and (4), above, title and right to the possession of the Property shall, at the option of the Donor, revert to the United States of America. Upon demand the Donee shall, as directed by the Donor, or its designee, release the Property to such person or agency as may be designated, sell the Property, or otherwise dispose of the Property. Any sale shall be for the benefit and account of the United States of America.

6. There shall be a further period of restriction beginning on the date the Property has been used for the period prescribed in (3) above. This period will expire after the Property has been used for the purpose stated for a period of 48 months.

7. During the period of restriction prescribed in (6) above, the Property shall be used only for the purpose stated above.

8. During the periods of restriction prescribed in (3) and (6) above, the Donee shall make reports to the Donor on the use, condition, and location of the Property and on other pertinent matters as may be required from time to time by such Donor.

9. During the periods of restriction prescribed in (3) and (6) above, the Donee shall not sell, trade, lease, lend, bail, cannibalize, encumber, or otherwise dispose of the Property, or remove it permanently for use outside the State, without the prior written approval of the Donor under (3), or (4) above. The proceeds from any sale, trade, lease, loan, bailment, encumbrance or other disposal of the property, during the period of restriction set forth in (3) above when such action is authorized by the Donor shall be for the account of the United States of America, or for the benefit and account of the State of _____ during the period of restriction set forth in (6) above.

10. In the event, during the periods of restriction prescribed in (3) and (6) above, the Property is sold, traded, leased, loaned, bailed, cannibalized, encumbered, or otherwise disposed of without prior written approval, or is used for a purpose other than the purposes stated, the Donee, at the option of the Donor, shall be liable for the proceeds of the disposal, the fair market

value, or the fair rental value of the Property at the time of such unauthorized transaction or use, as determined by the Donor.

11. If at any time, from the date the Donee receives the Property through the periods of restriction prescribed in (3) and (6) above, the Property is no longer suitable, usable, or required by the Donee for the purpose for which acquired, the Donee shall promptly notify the Donor, and shall, as directed by the Donor, return the Property to the Donor, retransfer the Property to another Donee or another State agency, or to a Department or Agency of the United States, sell the Property, or otherwise dispose of the Property as directed.

12. At the option of the Donor, the Donee may obtain abrogation of the terms and conditions set forth in (6) through (11) above by payment of an amount determined by the Donor.

13. The Donor, may waive any, or may terminate all of the terms and conditions set forth in (6) through (11) above, and give unrestricted title to the Property in favor of the Donee whenever such action is determined to be appropriate.

IN WITNESS WHEREOF, the Donor has duly executed this instrument this _____ day of _____, 19____.

United States of America, Acting by and through the _____ State Agency for Surplus Property

By: _____

Title: _____

DONEE:

By: _____

Title: _____

Institute or Organization: _____

CITY of _____)
COUNTY of _____)
STATE of _____)

On this _____ day of _____, 19____, before me appeared _____, to me personally known, who, being by me duly sworn, says that he is the person who executed the foregoing instrument and that such instrument was executed under duly delegated authority on behalf of the _____ State Agency for Surplus Property or State Agency for Federal Property Assistance, and acknowledged the foregoing instrument to be the free act and deed of the State of _____.

Given under my hand and official seal the day and year above written.

Notary Public in and for the
City of _____
County of _____
State of _____

(SEAL)

My Commission Expires: _____

CITY of _____)
COUNTY of _____)
STATE of _____)

On this _____ day of _____, 19____, before me appeared _____, to me personally known, who, being by me duly sworn, says that he is the person who executed the foregoing instrument on behalf of said _____, and acknowledges to me that he was authorized to execute the foregoing instrument and that he executed the same as a free act and deed of said _____.

Given under my hand and official seal the day and year above written.

Notary Public in and for the
City of _____
County of _____
State of _____

(SEAL)

My Commission Expires: _____

HJR 77 Allows:

Continued operations of the Federal Surplus Property Program under P.L. 94-519.

The program is administered by the Department of Administration, Division of General Services & Supply, under authority of AS 44.71.020-.040, and is 100% self sustaining as required by law.

During the past two fiscal years (FY 82 and FY 83), this program provided:

equipment and supplies with original values exceeding 4.5 million dollars at a total client cost of approximately 360,000, or less than 8% of original costs.

Of the 4.5 million, approximately 3.65 were received by State and other public agencies, 78,000 by non-profit health and 774,000 to public non-profit education.

The program provides the only avenue by which state and other public agencies may obtain surplus Federal equipment and supplies, frequently being the determining factor in whether or not a recognized public need can be addressed.

Failure to pass this resolution and adopt this permanent plan will result in immediate suspension of the program by the Federal government, loss of program benefits to the residents of Alaska, termination of at least six self-sustaining half-time jobs and loss of an unknown number of projects sustained by the program.

5/11D1/0508-01

Introduced: 4/30/84
Referred: State Affairs

BY THE RULES COMMITTEE BY
REQUEST OF THE GOVERNOR

1 IN THE HOUSE

2 HOUSE JOINT RESOLUTION NO. 77

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 THIRTEENTH LEGISLATURE - SECOND SESSION

5 Adopting a permanent plan of opera-
6 tion for the Department of Adminis-
7 tration, division of general ser-
8 vices and supply, surplus property
9 program, for federal surplus prop-
10 erty.

11 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:

12 WHEREAS 40 U.S.C. 484(j), as amended by Public Law 94-519 in 1976,
13 requires a state to develop a detailed plan of operation before federal
14 surplus property may be transferred to that state; and

15 WHEREAS paragraph (4) of that federal statute also provides that, if a
16 state legislature has not developed a state plan within 270 calendar days
17 after October 17, 1976, the state's "chief executive officer" shall approve
18 and submit a temporary state plan; and

19 WHEREAS Alaska Statutes 44.71.020 -- 44.71.040 provide the Alaska
20 Department of Administration authority to acquire, manage, and distribute
21 federal surplus property; and

22 WHEREAS the Alaska Department of Administration, division of general
23 services and supply, surplus property program, developed a temporary state
24 plan of operation, dated October 6, 1977, that was approved by the governor
25 and submitted to the administrator of general services of the United
26 States; and

27 WHEREAS, by a memorandum dated January 5, 1982, addressed to directors
28 of state agencies for surplus property, the United States General Services
29 Administration has informed the state agencies that each state legislature

1 must adopt a permanent plan of operation by June 30, 1984 in order to
2 continue to be eligible to receive federal surplus property; and

3 WHEREAS the Alaska Department of Administration has prepared a perma-
4 nent plan of operation, to replace the temporary plan, and has submitted it
5 to the Alaska State Legislature;

6 BE IT RESOLVED that the ~~Thirteenth~~ Alaska State Legislature finds that
7 this plan is in accordance with 40 U.S.C. 484(j) and adopts it as the
8 official permanent plan of operation for the Alaska Department of Adminis-
9 tration, division of general services and supply, surplus property program,
10 for the acceptance, allocation, transfer, and distribution of federal
11 surplus property.

12 A COPY of this resolution shall be sent to the United States General
13 Services Administration.

MEMORANDUM

State of Alaska

TO: Robert W. Head, Sr.
Property Manager, State &
Federal Property
Division of General Services &
Supply
Department of Administration

DATE: April 20, 1984

FILE NO: 377-142-84

TELEPHONE NO: 465-3600

FROM: Norman C. Gorsuch
Attorney General

SUBJECT: Attached draft reso-
lution, etc., re
federal surplus
property

By: Arthur H. Peterson *AHP*
Assistant Attorney General

Attached are copies of the drafts of the resolution, the cover memo to the governor, and the transmittal letter to the legislature. Please review these items, phone the feds if you think it appropriate or advisable, and return your comments to me soon so that the package can be put in final form and delivered to the governor within a few days.

AHP/jb

Attachments

no

TO: Arthur H. Peterson
Assistant Attorney General
Office of the Attorney General

DATE: April 24, 1984

FILE NO:

TELEPHONE NO:

465-2167

FROM: Robert W. Head, Sr. *RWH*
Property Manager
State and Federal Property
Division of General Services & Supply
Department of Administration

SUBJECT: Resolution on Federal
Surplus and AG File
377-142-84

THRU: Rebecca Burch
Special Assistant
to the Commissioner
Department of Administration

I have reviewed the attached draft of the resolution addressing the Federal Surplus Property program with Mr. W. W. Gunn of GSA's Region 10 office.

We find nothing that would seem to require revision, and Mr. Gunn is conducting research to address your concerns regarding authorship and legitimacy of the June 30, 1984 deadline declaration, by GSA.

Additional information should be available within a day or two.

RWH/cjk
Attachment
20/11D2/0424-02

30

MEMORANDUM

State of Alaska

TO: A.M. "Bud" Saylor
Deputy Director
Department of Administration
Division of General Services & Supply

DATE: April 16, 1984

FILE NO:

TELEPHONE NO: 465-2283

FROM: *RS*
Robert W. Heazl, Sr.
Property Manager, State
& Federal Property
Department of Administration
Division of General Services & Supply

SUBJECT: Status of PL 94-519

Telephone conversation with B. Losche, G.S.A., Auburn, Washington, indicates there has been no action that might supercede Public Law 94-519.

RWH/dn

20

STATE OF ALASKA

DEPARTMENT OF ADMINISTRATION

DIVISION OF GENERAL SERVICES AND SUPPLY

Bill Sheffield, Governor

POUCH C (MS-0210)
JUNEAU, ALASKA 99811

(907) 465-2167

September 14, 1983

Mr. W. W. Gunn
General Services Administration
Personal Property Management Branch
Code 10FB-P
Auburn, WA 98002

Dear Mr. Gunn:

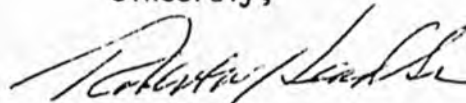
Enclosed you will find the "finished" State plan, revised to reflect the suggestions/recommendations you so generously offered.

Unless you find reasons for additional revision, we will plan on submitting this version to the Legislature shortly after they convene.

If you do find areas that need further revising/refining, please feel free to express your thoughts for consideration.

The assistance and cooperation you have extended in this project is genuinely appreciated.

Sincerely,



Robert W. Head, Sr.
State Property Manager

RWH/sn
N/11D1/0912-02
Enclosure

STATE OF ALASKA

DEPARTMENT OF ADMINISTRATION

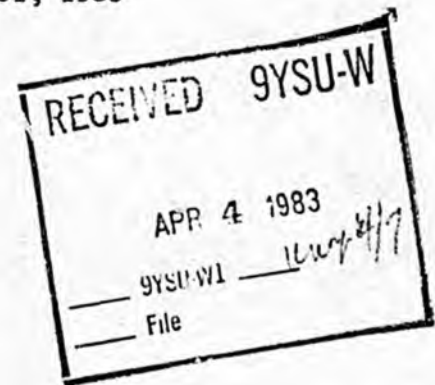
DIVISION OF GENERAL SERVICES AND SUPPLY

Bill Sheffield, Governor

POUCH C (MS 0210)
JUNEAU, ALASKA 99811
(907) 465-2283

March 31, 1983

Mr. W. W. Gunn
General Services Administration
Personal Property Management Branch
Code 10FB-P
Auburn, WA 98002



Dear Pete:

Per our telephone conversation today, enclosed is the tentative -
Permanent Plan of Operations for the State of Alaska.

As indicated during our conversation, I had "your" copy double spaced for
easy editing, revising, etc., that you might need to "plug in" to ensure total
acceptability on "formal" submittal.

I am looking forward to your comments, and to the day when we have a
full-fledged permanent plan in place.

Sincerely,

Robert W. Head, Sr.
Property Manager
State and Federal Property

RWH/af1
Enclosure
3/0330-01/3GSS2



Handwritten: 11/15

Date
Reply to
Attn of:

NOV - 7
FMD

Subject:

Permanent Plan of Operation - Alaska State Agency for Surplus Property (SASP)

To

10FBP

This is in response to your memorandum dated September 29, 1983, requesting our preliminary review and advice on the conversion of the Alaska State Agency for Surplus Property Plan of Operation from temporary to permanent status. Also, this confirms receipt of a letter addressed to Mr. L. L. Mitchell from the Governor's office dated September 21, 1983, (copy enclosed) advising that their proposed permanent plan will be presented to the next legislature.

Our review of the proposed permanent plan and subsequent telephone conversations with Danny Walton (10FB-P) indicates several areas of the plan which need to be revised and/or updated before it can be accepted by the Administrator of General Services as required by the FPMR 101-44.202(d). The required changes are outlined below:

- Done* 1. All references to "temporary plan of operation" should be changed to "permanent plan of operation."
- Done* 2. Paragraph 5(b) - Financing and Service Charges - We have no objection to the limit "(not to exceed \$10,000 per any one item)" appearing in the schedule.
- Done* 3. Paragraph 5(d) - Financing and Service Charges - In the first paragraph, page 9, change line 4 to "Subject to Federal regulations compliance reviews may be made by having the donee submit a written report stating that the property is in use and what it is being used for..."
- Done* 4. Paragraph 8c - Fair and Equitable Distribution - In line 2 change "appearing to be qualified" to "determined to be qualified."
- Done* 5. Paragraph 10 - Compliance and Utilization - Change the last paragraph to "While on-site compliance review is planned for performance by personnel of the State agency, compliance letters/forms may be used to satisfy this requirement except for items with an acquisition cost of \$3,000 or more and/or for passenger motor vehicles. Exceptions to on-site compliance reviews may be made by GSA if the State Agency can show that such reviews are physically or economically unfeasible to perform."
- Done* 6. Attachment A - Organization Chart - Add attachment which appeared in temporary plan and use updated information if necessary.

7. Paragraph 14 - Forms

-- Enclosure 14-1 - Update the donee certification as follows:

Paragraph (a)(4) revise nondiscrimination clause to include section 303 of the Age Discrimination Act of 1975 and Title IX of the Education Amendments of 1972 as amended.

Done

-- Enclosure 14-2 - Combat-Type Aircraft Conditional Transfer Document - Update to conform to Figure 2-9.4 (July 16, 1980) of the Donation Handbook.

Done

Enclosure 14-5 - Civil Rights Assurance - Add enclosure which appeared in temporary plan and use updated civil rights assurance clause to conform to Figure 2-8 of the Donation Handbook.

Three copies of a revised plan of operation, including exhibits, certified by the Governor of Alaska should be submitted to the Administrator of General Services, through Region 10, for acceptance as a legislative permanent plan per instruction contained in Donation Program Memorandum No. DPD-4-82, dated January 5, 1982.

George W. Kinney
 GEORGE W. KINNEY
 Director, Donation Division
 Office of Property Management

Enclosure

cc:
 Associate Administrator for Operations (AR)

1982 NOV 21 P 1:08
 DIVISION OF
 GENERAL SERVICES & SUPPLY

STATE OF ALASKA

DEPARTMENT OF ADMINISTRATION

DIVISION OF GENERAL SERVICES AND SUPPLY

BILL SHEFFIELD, GOVERNOR

POUCH C
JUNEAU, ALASKA 99811

(907) 465-2250

September 21, 1983

Mr. L. L. Mitchell
General Services Administration
Office of Federal Supply and Services
Washington, D.C. 20406

Dear Mr. Mitchell:

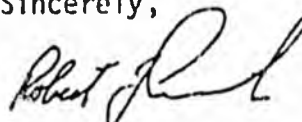
Governor Sheffield's office requested that I respond to your letter of August 30, 1983, regarding the Permanent Plan of Operations for Alaska's State Surplus Property program.

The Permanent Plan has been sent, in final draft, to the General Services Administration office in Auburn for review, prior to being presented to our Legislature.

My staff assures me our Plan will be presented to the next Legislature, then submitted to General Services Administration before the deadline.

I appreciate your timely reminder and concern for our state.

Sincerely,



Robert J. Link
Director

RJL/kw
J/1101/0920-07
cc: Ben Harding
Special Assistant
Office of the Governor

Rebecca Burch
Special Assistant
Administrative Hearings
Department of Administration

Jay H. Hogan
Associate Director
Office of Management and Budget
Office of the Governor

DIVISION OF
GENERAL SERVICES & SUPPLY

1983 NOV 21 P 1:08

TELECOPIER NUMBER 465 2184

JAY S. HAMMOND
GOVERNOR



STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

October 6, 1977

Mr. George I. Perryman
Assistant Commissioner
Office of Personal Property Disposal
General Services Administration
Federal Supply Service
Washington, D. C. 20406

Dear Mr. Perryman:

Enclosed is Alaska's temporary State Plan for the new Federal Surplus Property Utilization Program under Public Law 94-519.

Public notice of this plan was publicly announced on August 4, 1977 and interested persons have had more than thirty days in which to submit comments.

I look forward to this improved program being very beneficial to all Alaskans.

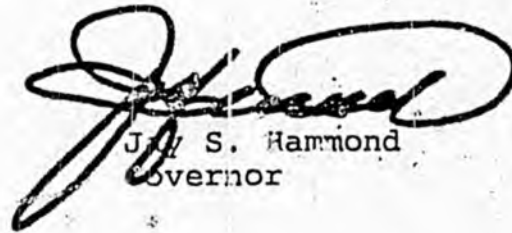
Sincerely,

A handwritten signature in black ink, appearing to read "Jay S. Hammond".

Jay S. Hammond
Governor

Administration/JSH/RCB/mjc
bcc: Department of Administration

I certify that this is the Temporary State Plan of the State of Alaska for the Federal Surplus Property Utilization and that it is in accordance with Public Law 94-519.



J. S. Hammond
Governor

MEMORANDUM

State of Alaska

TO: Ben Harding, Special Assistant
Office of the Governor

DATE: September 15, 1983

FILE NO: 657

TELEPHONE NO: 465-3562

FROM: *JH*
Jay N. Hogan, Associate Director
Office of Management and Budget
Division of Governmental
Coordination

SUBJECT: CTS 3251

This memorandum is in response to the letter from the Federal General Services Administration (GSA) that you forwarded to this office.

The Division of General Services and Supply, Department of Administration, is aware of the Federal requirement to develop and achieve legislative approval for a permanent plan of operation for the transfer of surplus Federal property to the State of Alaska. The Division, with the approval of Commissioner Rudd and the Office of the Governor, intends to introduce a bill to the 1984 legislative session in order to meet the Federal requirements.

The Division of General Services and Supply has well-established channels of communication with the GSA. A copy of GSA's letter has been forwarded to the Director of the Division, Mr. Bob Link. The Division will prepare a reply to the GSA letter.

sa

cc/attachment: Bob Link, Director, Division of General Services and Supply, Department of Administration
Rebecca Burch, Special Assistant to the Commissioner, Department of Administration

Burch →



Handwritten initials

CTSH 3251559

AUG 30 1983

RECEIVED
SEP 07 1983

GOVERNOR'S OFFICE

Honorable William Sheffield
Governor of Alaska
State Capitol
Juneau, Alaska 99801

Dear Governor Sheffield:

The Federal Property and Administrative Services Act of 1949, as amended, which governs the transfer for donation of Federal surplus personal property to the States, requires that each State submit a permanent plan of operation for its State Agency for Surplus Property (SASP). The Director of your State agency was advised on January 5, 1982, (copy enclosed) that the deadline for submission of permanent plans is June 30, 1984. We are bringing this matter to your attention at this time as failure to submit the required plan could necessitate our deferring further allocations of property to your State.

Your review of this matter and a reply by November 15, 1983, assuring us that we will receive the permanent plan prior to June 30, 1984, will be appreciated.

Sincerely,

[Handwritten signature]
L. L. MITCHELL
Assistant Administrator

Enclosure

OFFICE OF
MANAGEMENT & BUDGET

SEP 09 1983

GOVERNMENTAL
COORDINATION



AUG 30 1983

Date :
Reply to :
Attn of :

FMD

Subject:

Comptroller General's Second Biennial Report to the Congress of the United States on the Federal Donation Program

To :

Regional Administrators
WA 1A 2A 3A 4A 5A 6A 7A 8A 9A 10A
Directors of State Agencies for Surplus Property

1984 APR 20 10:39
DIVISION OF FEDERAL SERVICES & SUPPLY

Enclosed is a copy of the Comptroller General's (GAO) Second Biennial Report to the Congress of the United States on the Federal Donation Program.

The discussion of the donation program in the GAO report includes three recommendations that will require action by the regions and State Agencies for Surplus Property (SASP). The recommendations and required actions are as follows:

Recommendations

To improve the effectiveness of the Donation Program, we recommend that the Administrator of General Services:

"Continue emphasizing to the State agencies that participation in the Donation Program is dependent on their compliance with the act's requirement for submitting permanent State plans of operation, having external audits performed, and establishing adequate accountability systems." If all of the State agencies do not submit permanent State plans of operation by GSA's established deadline (June 30, 1984), we recommend that the Administrator report to the appropriate congressional committees on actions that will be taken in cases of noncompliance.

Actions

a. Permanent plans

We will be writing to the Governor of each State where the SASP has not submitted a permanent State plan to apprise them of the requirement and that failure to submit the plan by the deadline could necessitate deferring further allocations of property to the State.

Effective with this memorandum, I am establishing a progress reporting requirement for the regions on each State that has not submitted a permanent plan. Progress reports are to be submitted to my personal attention by October 15, 1983, January 15, 1984, and by the 15th of each month thereafter until all plans have been submitted.


To date the following State plans have been accepted as permanent: Arizona, California, Michigan, Oklahoma, South Carolina, South Dakota, Tennessee, and Wisconsin. In addition to these plans, Florida, Georgia and Texas have submitted their plans for review and acceptance.

b. External audits

Since it has been established as a mandatory requirement that external audits be scheduled and conducted, no additional action is required at this time. I would, however, remind the regions and States again that it is a mandatory requirement to have an external audit conducted every 2 years. The status of this requirement shall continue to be reported to the Central Office (FM) on a quarterly basis by the regions.

c. Accountability systems

To ensure that the States are complying with the accountability system requirement, you are requested to immediately implement the practice of reviewing this area in all reviews of and visits to State agencies. Your findings should be documented in each instance and whenever an accountability system is determined inadequate by the region, Central Office (FM) shall be so advised and a noncompliance case established.



L.L. MITCHELL

Assistant Administrator

Enclosure

cc:

Associate Administrator for Operations (AR)

Assistant Regional Administrators

WF 1F 2F 3F 4F 5F 6F 7F 8F 9F 10F