

HJR

77

STATE OF ALASKA

HUMAN RIGHTS COMMISSION

WILL SHEFFIELD, GOVERNOR

431 WEST 7TH AVENUE
SUITE 105
ANCHORAGE, ALASKA 99501
PHONE: (907) 276-7474

August 24, 1983

Representative Jerry Ward
P.O. Box 2716
Anchorage, AK 99510

Dear Representative Ward:

This is in reply to your request for information from our agency on March 10, 1983. Mark Ertischek, the Hearing Advocate and Acting Executive Director at the time of your request, assigned this response to a staff member who left the Commission in April. Quite frankly, Mr. Ward, it appears that your information request was lost in the transition between staff members. Please accept my apology for this oversight. I will attempt to answer your questions at this time as best I can.

1. You asked about the average time delay between the time a complaint is filed and the time an investigator is assigned. In general, at the time a complaint is filed, it is reviewed by the Regional Director of the investigative unit and where appropriate a resolution conference is scheduled and an investigator assigned to the case. Therefore, there should be approximately two weeks between the complaint filing and the scheduling of the conference on most cases. Due to limited staffing, there is however a delay of one to two months between the filing of the complaint and the date of the resolution.
2. You asked about the average length of time before an investigation is completed. I cannot give you an average time on all open cases before the Commission at this time; however, the Equal Employment Opportunity Commission (EEOC) keeps records on the Alaska Commission's average processing time of EEOC case resolutions in federal FY 83. The average processing time recorded by EEOC in June, 1983 was 295 days.
3. In general cases are assigned on a first come, first serve basis. This means that an early resolution of cases is attempted soon after filing (unless the case is inappropriate for a resolution conference). Your question whether priority is given to cases where complainant shows "irreparable harm" as in the instance of a case of firing in retaliation for filing a complaint. In some respects, irreparable harm exists whenever a person is discriminated

against. Under our statutes, the Alaska Commission cannot award compensation for suffering the humiliation of discrimination. However, the Commission is able to award "make whole" relief which in a discharge case would include backpay from the date of discrimination to the time when the agreement is signed or even in some instances frontpay until the complainant is awarded a job of equal value either by the discrimination or other employers. In all cases in which jobs are lost or denied, the complainant has an obligation to mitigate damages by seeking other jobs for which they are qualified.

To respond to your question directly, we do not give priority to cases of irreparable harm such as you have described.

4. These year end statistics are compiled from our annual report for the years 1975-1982 inclusive:

Calendar Year	Complaints Filed	Complaints Closed	Complaints Unassigned for Investigation
1975	646	434	322
1976	777	589	488
1977	603	638	422
1978	406	534	241
1979	305	417	104
1980	278	377	123
1981	233	261	97
1982	292	319	128

I am also including for your information the latest case processing statistics from our quarterly meeting in Kodiak on July 28 and 29th. I feel certain that if you look carefully at the report you will note the growing number of cases over 180 days in process. I previously communicated to you our concern about the age of our cases and expressed to you in that letter our goal of completing most cases within 180 days. It seems likely that under the present staffing pattern we will be unable to reach that goal.

The Human Rights Commission has experienced underfunding in personal services over the last five years and in fact, in FY 83, was forced to leave one position vacant during the entire fiscal year. In FY 84, our staff has been reduced to 25 employees. The forecast for FY 85 is even more gloomy since our programs is personal services intensive and a decrease in funding is being predicted. Our FY 85 Budget Submission will include proposals to eliminate 1 - 3½ positions at the 95% - 85% service levels. When faced with decreased funding, we have no alternative but to cut positions.

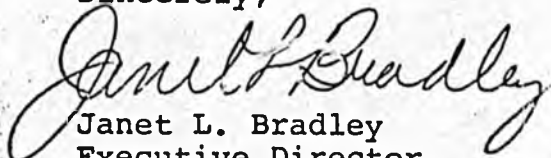
Representative Ward

-3-

8/24/83

I hope that this reply is responsive to your inquiry. I would be pleased to schedule a time to discuss your concerns in person at your convenience.

Sincerely,



Janet L. Bradley
Executive Director

JLB:lv
Enclosure

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.

5/1101/0508-01

MEMORANDUM

State of Alaska

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/c.ik
Attachment
20/11D2/0424-02

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 
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

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: *RWH*
Robert W. Head, 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

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

JAH
Jay A. Hogan, Associate Director
Office of Management and Budget
Division of Governmental
Coordination

SUBJECT: CTS 3251559

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

Bob →



CTSD 3251559

RECEIVED
SEP 07 1983

AUG 30 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,


J. L. MITCHELL
Assistant Administrator

Enclosure

OFFICE OF
MANAGEMENT & BUDGET
SEP 09 1983
GOVERNMENTAL
COORDINATION

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:

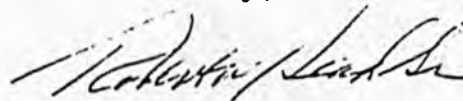
Enclosed you will find the "finished" State plan, revised to reflect the suggestions/recommendations you so generously offered.

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/1101/0912-02
Enclosure

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.

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

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(¹/₂).

- 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 606 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.
 - (d) 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 FPMR 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.

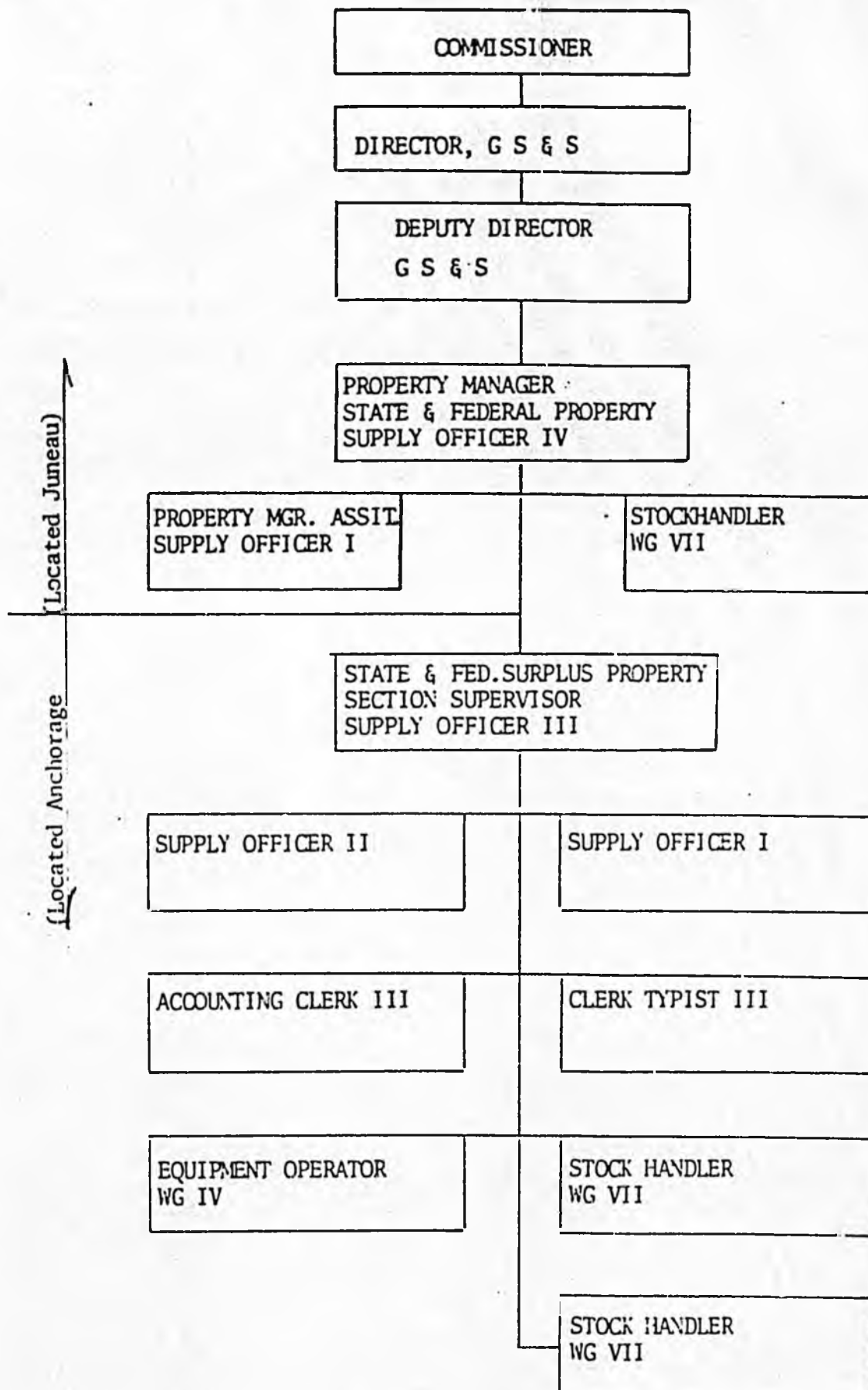
Enclosure 14.3, Conditional Transfer Document - Noncombat Type Aircraft.

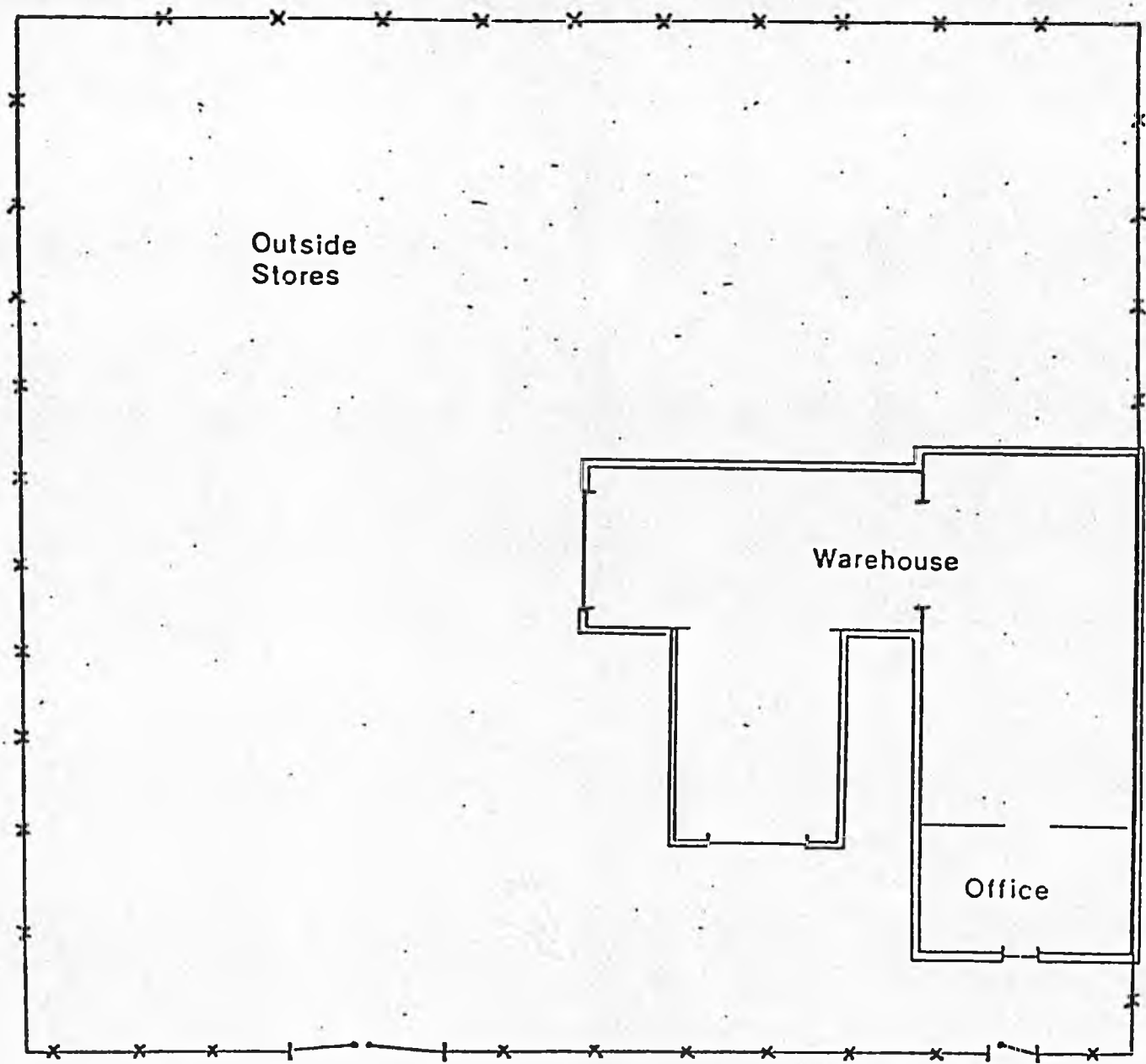
Enclosure 14.4, Conditional Transfer Document - Vessel.

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.

STATE AND FEDERAL PROPERTY
ORGANIZATIONAL CHART EFFECTIVE JULY 1, 1963





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

ATTACHMENT B

(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 vent 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 its or 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 th _____
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 instru-
ment 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 Commissio. Expires: _____



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

DIVISION OF FEDERAL SUPPLY SERVICES
APR 20 1984

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



ROUTE: CC: DATE: 9/1/83 AP
 ROBERTS 10F WALTER 10FB
 CASTLE 10FB BULGER 10FS
 KNUDSON 10F COREY 10FC
 BOLLINGER 10FB

Return

Perkins 10FB-P

Date : AUG 2 1983

Reply to
 Attn of : FMD

Subject: Legislative State plan of operations

To : Assistant Regional Administrators
 WF 1F 2F 3F 4F 5F 6F 7F 8F 9F 10F
 Directors of State Agencies for Surplus Property

Numbered memorandum DPD-4-82 cites the requirement for legislatively developed State plans of operation and outlines various alternative methods for developing them. One of these methods, which appears to be the most convenient, is for the State legislature to pass a resolution adopting the temporary plan as a permanent plan of operation.

However, this method presents a serious pitfall. In their present form, many temporary plans are outdated and incomplete. If such a plan is adopted by resolution before it is updated, it may require additional legislative effort before the plan can be accepted by the Administrator of General Services. To preclude the possible need for repeat legislative action, State agency directors should carefully review and update their temporary plan of operation before action is taken to adopt it as a legislative plan. Particular attention should be given to the aircraft and vessel conditional transfer document formats, all nondiscrimination clauses, the content of the cooperative agreement between the State and GSA, any statements pertaining to the placement of the agency within the State government and the statement of requirements for external audits of the agency.

You are again reminded that legislatively developed plans of operation for all States must be certified by the chief executive officer of the State and submitted to the Central Office for review and acceptance by the Administrator of General Services no later than June 30, 1984.

WILLIAM B. FOOTE
 Director of Property Management
 Office of Federal Supply and Services

cc:
 Associate Administrator for Operations (AR)
 Regional Administrators
 WA 1A 2A 3A 4A 5A 6A 7A 8A 9A 10A

161 APR 20 A 10:39
 GENERAL SERVICES & SUPPLY

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



Done
11/15

Date: 10-7
 Reply to: FMD
 Attention:
 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:

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. *Done*

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)

1983 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:

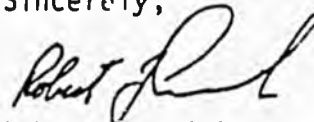
Governor Sheffield's office requested that I respond to your letter of August 30, 1983, regarding the Permanent Plan of Operations for Alaska's State Surplus Property program.

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

1983 NOV 21 P 1:08
DIVISION OF
GENERAL SERVICES & SUPPLY

TELECOPIER NUMBER 465 2189



JAN 5 1982

DPDA

Legislative State Plans of Operation

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

RECEIVED 10DPU

FEB 16 1982

2/16
SAO [Signature] JOHNSON
SOLIC [Signature] WEAVER
GRIFF [Signature] HAYES
FLEAHGE [Signature] PULLY

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.

FILED APR 20 A 10:31
FEDERAL 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.

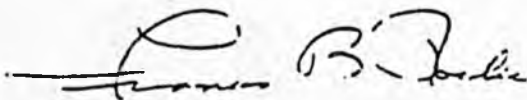
c. If a State determines that it cannot use either of the methods outlined in paragraphs a and b above to convert its temporary plan, it will be necessary for the State's legislature to develop a new plan in accordance with the procedures set forth in Section 203(j)(4) of the Federal Property Act.

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

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.

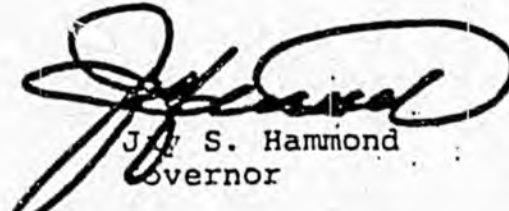
Sincerely,

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

Jay S. Hammond
Governor

Administration/JSH/RCB/mjc
cc: 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.



Jay S. Hammond
Governor