

**§101-39.404 Claims in favor of the Government.**

Whenever there is any indication that a party other than the operator of the GSA Interagency Fleet Management System (IFMS) vehicle is at fault and that party can be reasonably identified, the agency responsible for investigating the accident shall submit all original documents and data pertaining to the accident and its investigation to the servicing GSA IFMS fleet management center. The GSA IFMS regional fleet manager, or his/her representative, will initiate the necessary action to effect recovery of the Government's claim.

[56 FR 59891, Nov. 26, 1991]

**§101-39.405 Claims against the Government.**

(a) Whenever a GSA Interagency Fleet Management System (IFMS) vehicle is involved in an accident resulting in damage to the property of, or injury to, a third party, and the third party asserts a claim against the Government based on the alleged negligence of the vehicle operator (acting within the scope of his or her duties), it shall be the responsibility of the agency employing the person who was operating the GSA IFMS vehicle at the time of the accident to make every effort to settle the claim administratively to the extent that the agency is empowered to do so under the provisions of 28 U.S.C. 2672. It shall be the further responsibility of the agency, in the event that administrative settlement cannot be effected, to prepare completely, from an administrative standpoint, the Government's defense of the claim. The agency shall thereafter transmit the complete case through appropriate channels to the Department of Justice.

(b) Except for the exclusions listed in §101-39.406, the agency employing the vehicle operator shall be financially responsible for damage to a GSA IFMS vehicle.

(c) If a law suit is filed against the agency using a GSA Interagency Fleet Management System (IFMS) vehicle, the agency shall furnish the appropriate GSA Regional Counsel with a copy of all papers served in the action.

When requested, GSA's Regional Counsel will cooperate with and assist the using agency and the Department of Justice in defense of any action against the United States, the using agency, or the operator of the vehicle, arising out of the use of a GSA IFMS vehicle.

[56 FR 59891, Nov. 26, 1991]

**§101-39.406 Responsibility for damages.**

(a) GSA will charge the using agency all costs resulting from damage, including vandalism, theft, and parking lot damage, to a GSA Interagency Fleet Management System (IFMS) vehicle which occurs during the period that the vehicle is assigned or issued to that agency, to an employee of that agency, or to the agency's authorized contractor; however, the using agency will not be held responsible for damages to the vehicle if it is determined by GSA, after a review on a case by case basis of the documentation required by §101-39.401, that damage to the vehicle occurred:

(1) As a result of the negligent or willful act of a party other than the agency (or the employee of that agency) to which the vehicle was assigned or issued and the identity of the party can be reasonably determined;

(2) As a result of mechanical failure of the vehicle, and the using agency (or its employee) is not otherwise negligent. Proof of mechanical failure must be submitted; or

(3) As a result of normal wear and tear such as is expected in the operation of a similar vehicle.

(b) Agencies using GSA IFMS services will be billed for the total cost of all damages resulting from neglect or abuse of assigned or issued GSA IFMS vehicles.

(c) If an agency is held responsible for damages, GSA will charge to that agency all costs for removing and repairing the GSA IFMS vehicle. If the vehicle is damaged beyond economical repair, GSA will charge all costs to that agency, including fair market value of the vehicle less any salvage value. Upon request, GSA will furnish an accident report, where applicable, regarding the incident to the agency. Each agency shall be responsible for disciplining its employees who are

## § 101-39.407

guilty of damaging GSA IFMS vehicles through misconduct or improper operation, including inattention.

(d) If an agency has information or facts that indicate that it was not responsible for an accident, the agency may furnish the data to GSA requesting that costs charged to and collected from it be credited to the agency. GSA will make the final determination of agency responsibility based upon Government findings, police accident reports, and any available witness statements.

(e) When contractors or subcontractors of using agencies are in accidents involving GSA IFMS vehicles, the agency employing the contractor will usually be billed directly for all costs associated with the accident. It will be the responsibility of the using agency to collect accident costs from the contractor should the contractor be at fault.

[56 FR 59892, Nov. 26, 1991]

### § 101-39.407 Accident records.

If GSA's records of vehicle accidents indicate that a particular activity has had an unusually high accident frequency rate or a high accident cost per mile, GSA will so advise the using activity. Corrective action will be requested and GSA will cooperate in any reasonable manner possible to bring about improved performance.

## Subparts 101-39.5—101-39.48 [Reserved]

### Subpart 101-39.49—Forms

#### § 101-39.4900 Scope of subpart.

This subpart provides the means for obtaining forms prescribed or available for use in connection with subject matter covered in part 101-39.

[56 FR 59892, Nov. 26, 1991]

#### § 101-39.4901 Obtaining standard and optional forms.

Standard and optional forms referenced in part 101-39 may be obtained through the General Services Administration, Inventory and Requisition Management Branch, Attn: FCNI, Washington, DC 20406, or through regional GSA Federal Supply Service Bu-

## 41 CFR Ch. 101 (7-1-98 Edition)

reaus. GSA regional offices will provide support to requesting activities needing forms.

[56 FR 59892, Nov. 26, 1991]

## PART 101-40—TRANSPORTATION AND TRAFFIC MANAGEMENT

Sec.

101-40.000 Scope of part.

101-40.001 Definitions.

### Subpart 101-40.1—General Provisions

101-40.101 Transportation assistance.

101-40.101-1 Freight transportation management assistance.

101-40.101-2 GSA transportation and traffic management liaison.

101-40.102 Representation before regulatory bodies.

101-40.103 Selection of carriers.

101-40.103-1 Domestic transportation.

101-40.103-2 International transportation.

101-40.103-3 Coastwise transportation.

101-40.104 Insurance against transportation hazards.

101-40.105 Use of Government-owned transportation equipment.

101-40.106 Reports.

101-40.107 Surveys.

101-40.108 Transportation seminars and workshops.

101-40.109 Availability of transportation-related contracts and agreements.

101-40.109-1 Miscellaneous transportation-related contracts and agreements.

101-40.109-2 Office relocation contracts.

101-40.109-3 Mandatory use of transportation-related contracts and agreements.

101-40.110 Assistance to economically disadvantaged transportation businesses.

101-40.110-1 Small business enterprises.

101-40.110-2 Minority business enterprises.

101-40.110-3 Women-owned business enterprises.

101-40.111 Maintenance of tariff files.

101-40.112 Transportation factors in the location of Government facilities.

101-40.113 [Reserved]

### Subpart 101-40.2—Centralized Household Goods Traffic Management Program

101-40.200 Scope of subpart.

101-40.201 Applicability.

101-40.202 The General Services Administration household goods tender of service (TOS) agreement.

101-40.203 Household goods movement procedures.

101-40.203-1 Household goods rate tenders.

101-40.203-2 The GBL method.

101-40.203-3 The commuted rate system.

101-40.203-4 Cost comparisons.