

§ 101-40.108

41 CFR Ch. 101 (7-1-99 Edition)

or upon request of agencies, GSA will make onsite surveys of transportation activities and will make recommendations, when necessary, for changes in agencies' policies, standards, practices, and procedures to improve transportation concepts and operations at all levels.

§ 101-40.108 Transportation seminars and workshops.

GSA conducts transportation seminars and workshops for the benefit of executive agency personnel assigned functions relating to the movement of Government materials. The objective of this training is to broaden traffic management knowledge and experience within the agency and to enhance economy of operations. Seminars on the use of socially and economically disadvantaged carriers are conducted by the GSA regional offices in coordination with the GSA Central Office. All other seminars are conducted through GSA Training Center (CTD). GSA regional offices will conduct workshops on transportation subjects designed to meet specific agency needs. Agencies desiring assistance in these matters should direct their requests to the appropriate GSA regional office or to the General Services Administration, GSA Training Center (CTD), P.O. Box 15608, Arlington, VA 22215, as appropriate.

[51 FR 24332, July 3, 1986]

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

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

(a) The GSA Central Office or the appropriate GSA regional office will, as considered necessary, enter into agreements or contracts for transportation and related services, including but not limited to stevedoring, storage, drayage, packing, marking, ocean freight forwarding, accessorial services, demurrage, and weighing. (See 41 CFR 101-41.304-2 for the use of commercial forms and procedures instead of Government bills of lading.) These contracts and agreements will be made for and in behalf of all executive agencies.

(b) The availability of these contracts and agreements will be announced through GSA bulletins which will outline the specific contractual services and the terms of the agreements. After distribution of these bulletins, GSA will furnish copies of the contracts and agreements to agencies upon request.

[45 FR 85752, Dec. 30, 1980, as amended at 51 FR 24332, July 3, 1986]

§ 101-40.109-2 Office relocation contracts.

(a) Prior to entering into office relocation contracts, agencies should ensure they are complying with the provisions of FPMR Temp. Reg. D-73, or reissues thereof. (See 41 CFR appendix to subchapter D.) Compliance assistance may be obtained from the respective regional directors of the GSA Public Buildings Service, Real Estate Division.

(b) An agency may either enter into its own office relocation contracts or request the appropriate GSA regional office to enter into office relocation contracts on the agency's behalf. Requests to GSA should be made as soon as possible and at least 120 calendar days before the proposed date of the move for local office relocation moves. The agency shall furnish the GSA such pertinent information concerning the proposed relocation as origin, destination, moving date, an itemized inventory of property to be moved, and the name and telephone number of the agency relocation coordinator.

(1) Arrangements for moving services, other than local office relocation moves, will be contracted for using competitive procedures or other appropriate relocation arrangements including Government tenders pursuant to section 10721 of the Interstate Commerce Act (49 U.S.C. 10721).

(2) Local office relocation moves must be acquired by contract, since such moves qualify as transportation within "commercial zones or terminal areas" and are excepted from rate regulation by the Interstate Commerce Commission. Neither the statutory exemption provided for in paragraph (3) of section 7 of the McNamara-O'Hara Service Contract Act of 1965 (Service

Contract Act) (41 U.S.C. 351 *et seq.*) exempting “any contract for the carriage of freight or personnel * * * where published tariff rates are in effect” nor the administrative exemption for contracts for the carriage of freight or personnel subject to rates covered by section 10721 of the Interstate Commerce Act is applicable. (See 29 CFR 4.123.) The Service Contract Act applies to local office relocation moves where transportation costs (such as packing, crating, handling, loading, and/or storage of goods prior to or following line-haul transportation) are incidental to the principal purpose of the contract. (See 29 CFR 4.118.)

(c) GSA regional offices, on behalf of executive agencies, may enter into term contracts for office relocation services in cities where it is determined that such contracts are warranted. The availability of term contracts for office relocation services will be announced through GSA bulletins as indicated in § 101-40.109-1(b).

(d) Whether an office relocation is made under a GSA term moving contract or under a specific contract entered into by GSA in behalf of an individual agency, the agency being relocated shall make operational arrangements directly with the moving contractor. These arrangements shall include:

- (1) Issuing the purchase order or placing the work order;
- (2) Arranging for direct billing;
- (3) Supervising the actual move;
- (4) Processing loss and damage claims, if any;
- (5) Providing certification on the contractor’s invoices; and
- (6) Processing the invoice for direct payment to the contractor.

The GSA contracting office shall be notified upon completion of the relocation and is prepared to provide technical assistance as necessary.

[45 FR 85752, Dec. 30, 1980, as amended at 51 FR 24332, July 3, 1986; 54 FR 46244, Nov. 2, 1989]

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

(a) When a contract or agreement for transportation-related services, including office relocations, is awarded in re-

sponse to an agency’s specific request, the use of the contract or agreement is mandatory for that requesting agency.

(b) When term contracts or agreements for transportation-related services, excluding office relocations, are entered into and awarded by GSA for use “as required,” the term contract or agreement is mandatory upon all executive agencies; however, exceptions to the mandatory use of term contracts or agreements may be granted by the appropriate GSA regional office.

(c) GSA may enter into optional use contracts for office relocations where deemed appropriate.

[45 FR 85752, Dec. 30, 1980, as amended at 51 FR 24332, July 3, 1986; 52 FR 21032, June 4, 1987]

§ 101-40.110 Assistance to economically disadvantaged transportation businesses.

§ 101-40.110-1 Small business enterprises.

Consistent with the policies of the Government with respect to small business as set forth in subpart 1-1.7 of this title, executive agencies shall place with small business concerns a fair proportion of the total purchases and contracts for intrastate and interstate transportation and related services, such as packing and crating, loading and unloading, and local drayage.

§ 101-40.110-2 Minority business enterprises.

Consistent with the policies of the Government stated in 48 CFR part 19, minority business enterprises shall have the maximum practicable opportunity to participate in the performance of Government purchases and contracts. Agencies shall encourage transportation-related minority enterprises, regardless of the mode of transportation, to identify themselves and provide services that will support the agencies’ transportation requirements. The appropriate GSA regional office may be contacted for assistance, if needed.

[51 FR 24332, July 3, 1986]