

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.

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