

Federal Property Management Regulations

§ 101-40.305-3

the modes. When socially or economically disadvantaged carriers and women-owned carriers are among the eligible competing carriers, positive action will be taken to include such carriers in the equitable distribution of traffic.

[51 FR 24336, July 3, 1986]

§ 101-40.304 Description of property for shipment.

(a) Each shipment shall be described on the bill of lading or other shipping document as specified by the governing freight classification, carrier's tariff, or rate tender. Shipments shall be described as specifically as possible. Trade names such as "Foamite" or "Formica" or general terms such as "vehicles," "furniture," or "Government supplies," shall not be used as bill of lading descriptions.

(b) Hazardous materials, such as explosives, flammable liquids, flammable solids, oxidizers, poison A, or poison B, shall be prepared for shipment and described on bills of lading or other shipping documents in accordance with the Department of Transportation Hazardous Materials Regulations, subchapter C, title 49 of the Code of Federal Regulations.

(c) Agencies which transport, or offer for transportation, hazardous waste, as described in 40 CFR part 261, for off-site treatment, storage, or disposal are subject to regulations of the Environmental Protection Agency (EPA) and the Department of Transportation (DOT). The EPA and DOT, in a joint rulemaking effort, have developed a manifest system to ensure that hazardous waste designated for delivery to an off-site treatment, storage, or disposal facility actually reaches its destination. The central element of the system is the "manifest," a control and transport document that accompanies hazardous waste from its point of generation to its point of destination. Accordingly, agencies shall observe the provisions of 40 CFR parts 260, 261, 262, and 271 and 49 CFR parts 171 and 172, as required.

(d) Agency requests for specific freight descriptions shall be submitted to the appropriate GSA regional office.

[45 FR 85756, Dec. 30, 1980, as amended at 51 FR 24336, July 3, 1986]

§ 101-40.305 Transportation negotiations.

§ 101-40.305-1 Negotiations by GSA.

Except as provided in § 101-40.305-3, GSA regional offices will, on behalf of executive agencies, conduct all transportation negotiations with carriers to establish or modify rates, charges, ratings, services, and rules or regulations pertaining thereto.

[51 FR 24336, July 3, 1986]

§ 101-40.305-2 Cost analysis required on substantial movements.

Except as provided in § 101-40.305-3, executive agencies shall submit to the appropriate GSA regional office complete information concerning planned transportation so that a cost analysis may be made to determine whether negotiation is appropriate. This information should be submitted as far in advance of the planned transportation as possible. The information supplied shall be detailed and shall include property characteristics (those requiring shipment in bags, boxes, or bulk; hazardous properties; weight; dimension; density; value; and susceptibility to damage), origin, destination, number of shipments, weight per shipment, planned shipping schedule, and planned required delivery date.

[51 FR 24336, July 3, 1986]

§ 101-40.305-3 Negotiations by other executive agencies.

Except for the transportation of household goods under subpart 101-40.2 and where GSA has not entered into office relocation contracts pursuant to § 101-40.109-2, executive agencies are authorized to negotiate with carriers in establishing or modifying rates, charges, classification ratings, services, and rules or regulations pertaining thereto under the following conditions:

§ 101-40.306

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

(a) When the total quantity of property to be shipped does not exceed 100,000 pounds per shipment or when the known aggregate of more than one shipment will not exceed 100,000 pounds.

NOTE: Agencies making surface shipments under agency-negotiated rates as authorized in this section are exempt from obtaining GSA rate and routing information as required in § 101-40.301(a).

(b) [Reserved]

(c) When the planned shipment is less than that which would require the assessment of carload or truckload rates.

(d) When approval to negotiate is granted by the GSA Central Office or the appropriate GSA regional office.

NOTE: Section 101-40.305-3 does not prohibit executive agencies from seeking GSA assistance in negotiations.

[45 FR 85756, Dec. 30, 1980, as amended at 51 FR 24336, July 3, 1986]

§ 101-40.306 Rate tenders to the Government.

Under the provisions of section 10721 of the Revised Interstate Commerce Act (49 U.S.C. 10721), common carriers are permitted to submit tenders to the Government which contain transportation rates and/or charges for accessorial services that are lower than those published in tariffs applicable to the general public. In addition, rate tenders may be applied to shipments other than those made by the Government provided the total benefits accrue to the Government; that is, provided the Government pays the charges or directly and completely reimburses the party that initially pays the freight charges (Interpretation of Government Rate Tariff for Eastern Central Motor Carriers Association, Inc., 332 I.C.C. 161 (1968)).

[51 FR 24337, July 3, 1986]

§ 101-40.306-1 Recommended rate tender format.

(a) Executive agencies will use only those rate tenders which carriers have submitted in writing. Carriers should be encouraged to use Optional Form 280, Uniform Tender of Rates and/or Charges for Transportation Services, when preparing and submitting rate tenders to the Government. Optional

Form 280 (see § 101-40.4903) is approved by the Office of Management and Budget under OMB control number 3090-0038. Rate tenders that are ambiguous in meaning shall be resolved in favor of the Government; therefore, explicit terms and conditions are necessary to preclude misunderstandings by the parties to the rate tender.

(b) Carriers may purchase Optional Form 280 from the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402, or print it commercially. When ordering this form from the Superintendent of Documents, specify national stock number 7540-01-092-8057. When printing this form commercially, carriers shall ensure that the form conforms to the same size, wording, and arrangement of the approved optional form and, while no minimum grade or paper is set, carriers shall provide a reasonable grade of paper stock.

[45 FR 85756, Dec. 30, 1980, as amended at 51 FR 24337, July 3, 1986]

§ 101-40.306-2 Required shipping documents and annotations.

(a) To qualify for transportation under section 10721 rates, property must be shipped by or for the Government on:

- (1) Government bills of lading;
- (2) Commercial bills of lading endorsed to show that these bills of lading are to be converted to Government bills of lading after delivery to the consignee; or
- (3) Commercial bills of lading showing that the Government is either the consignor or the consignee and endorsed with the following statement:

Transportation hereunder is for the (name the specific agency, such as the General Services Administration) and the actual total transportation charges paid to the carrier(s) by the consignor or consignee are assignable to, and are to be reimbursed by, the Government.

(b) When a rate tender is used for transportation furnished under a cost-reimbursable contract, the following endorsement shall be used on covering commercial bills of lading:

Transportation hereunder is for the (name the specific agency, such as the General Services Administration), and the actual