(b) The proceeds of a reimbursable transfer shall be deposited to miscellaneous receipts in the U.S. Treasury by the transferee agency in all cases where the transferor agency acquired the property with appropriated funds but has no specific authority to recover the proceeds. A copy of the deposit action shall be furnished to the transferor agency.

§101–43.311 Determination of excess as surplus.

§101–43.311–1 Reportable property.

Excess personal property, when reported to GSA in accordance with §101–43.304 and not transferred to other Federal agencies, shall become surplus at the close of business on the surplus release date, which should be evidenced on the report of excess personal property. The surplus release date will be established to occur 60 calendar days or less after receipt of the report of excess personal property in the appropriate GSA regional office unless the property is held for redistribution in accordance with §101–43.309–4. The appropriate GSA regional office will coordinate surplus release date extensions with the reporting activity to minimize impact on the utilization and disposal process.

§101–43.311–2 Nonreportable property.

(a) Property excepted from the reporting requirements of §101–43.304 shall become surplus when it has been made available by the holding agency for Federal use for a minimum of 21 calendar days after excess determination and has not been selected for transfer to other Federal agencies. Holding agencies shall annotate property records in a manner that will indicate to authorized Federal agency representatives the date of the excess determination. The property will become surplus at the close of business on the surplus release date, which normally will occur 21 calendar days after the holding agency determines the property to be available for screening as excess unless extended by GSA. Authorized Federal agency representatives may request and, with the approval of GSA, holding agencies will grant additional time not to exceed 30 calendar days, unless otherwise agreed upon by the holding agency and the GSA regional office concerned. The release as surplus of property not transferred to other Federal agencies will be deferred by the same lengths of time.

(b) During the screening period following the determination that the property is excess, no holding agency shall take for its use any property in its custody which has been selected by a GSA area utilization officer for further screening or transfer for utilization, except with the approval of the appropriate GSA regional office; provided that holding activities may withdraw such property to meet their essential emergency requirements without this prior approval. The appropriate GSA regional office shall be notified of any such actions.

(c) This section is applicable to all nonreportable excess property other than perishables, dangerous property, classified property, trading stamps, and Nuclear Regulatory Commission-controlled materials.

§101–43.311–3 Property not utilized.

Property determined to be surplus as provided in §§101–43.311–1 and 101–43.311–2 shall be held available for donation program screening in accordance with part 101–44 before it shall be assigned for sale, abandonment, or destruction in accordance with part 101–45. Property which requires reimbursement upon transfer, when determined surplus, shall not be available for donation but may be disposed of as provided in part 101–45.

§101–43.311–4 Hazardous materials.

Hazardous materials shall be reported to GSA in accordance with part 101–42.

[57 FR 39136, Aug. 28, 1992]

§101–43.312 Use of excess personal property on cost-reimbursement contracts.

(a) Excess personal property may be used to reduce the Government's contract costs and shall be considered for this purpose whenever possible. When preparing contract documents, Federal agencies shall ensure that appropriate provisions are included therein to accommodate the furnishing of excess

personal property to cost-reimbursement contractors, as defined in § 101–43.001–6.

(b) Excess personal property may be transferred to a Federal agency for use by a cost-reimbursement contractor as Government-furnished property, provided that the contracting agency determines the transfer will result in a reduction in the cost to the Government or an enhancement of the product or benefit of the contract. All transfer orders submitted to GSA for excess personal property to be furnished to a cost-reimbursement contractor shall list the number and expiration date of the contract, must certify the cost reduction or product enhancement, and shall be executed by an authorized official of the contracting agency. If less than 60 calendar days remains before expiration of the contract, the transfer order will not be approved by GSA unless the contracting agency certifies that the contract will be extended or renewed or other written justification is provided.

(c) Certain Federal agencies have specific statutory authority to vest title to property under certain circumstances, but title to property furnished to a cost-reimbursement contractor normally remains vested in the Government. Contracts shall include adequate safeguards and assurances relative to use, maintenance, consumption, unauthorized use, and redelivery to Government custody of Government-furnished property.

(d) Property furnished to cost-reimbursement contractors is subject to the annual reporting requirements of § 101–43.4701(c).

§ 101–43.313 Use of excess personal property on cooperative agreements.

(a) Executive agencies may obtain excess personal property for the purpose of furnishing such property to agency cooperatives under cooperative agreements, as defined in § 101–43.001–5, made in accordance with the Federal Grant and Cooperative Agreement Act of 1977 (31 U.S.C. 6301). Excess personal property may be furnished to cooperatives subject to the following conditions:

(1) Authorization for the cooperative to acquire excess property is contained in the cooperative agreement;

(2) A determination is made by the sponsoring Federal agency that the acquisition will result in a reduction in the cost to the Government of the agreement or an enhancement of the product or benefit from the agreement;

(3) The property will not be stockpiled by the cooperative, but will be placed in use within a reasonable period of time following the acquisition;

(4) The time remaining on the cooperative agreement is greater than 60 calendar days from the date a transfer order is received by GSA, unless the sponsoring Federal agency has certified that the cooperative agreement will be extended or renewed, or other justification is submitted; and

(5) The transfer is approved by an authorized official of the sponsoring Federal agency.

(b) The amount of excess personal property (in terms of original acquisition cost) transferred to a cooperative normally shall be limited to the dollar value of the cooperative agreement. Any higher percentage of excess personal property transferred to a cooperative shall be subject to approval by an official of the sponsoring Federal agency at an administrative level higher than the project officer administering the cooperative agreement.

(c) Title to excess personal property furnished to a cooperative by an executive agency remains vested in the Government, except that cooperative agreements for the conduct of basic or applied scientific research at nonprofit institutions of higher education, or at nonprofit organizations whose primary purpose is the conduct of scientific research, normally include discretionary authority to vest in such institutions or organizations title to excess personal property furnished under the cooperative agreement on such terms and conditions specified in the cooperative agreement.

(d) Executive agencies shall keep in their cooperative agreement recordkeeping systems: Total acquisition cost of property furnished to all cooperatives; original acquisition cost of each item furnished, identified to each recipient; and date of termination and