

§ 101-45.104

41 CFR Ch. 101 (7-1-00 Edition)

§ 101-45.104 Care and handling pending disposal.

Pending disposal, each holding agency shall be responsible for performing, and bear the cost of, care and handling of its property.

§ 101-45.105 Exclusions and exemptions.

§ 101-45.105-1 Materials required for the national stockpile or the supplemental stockpile, or under the Defense Production Act.

This part 101-45 does not apply to materials acquired for the national stockpile or the supplemental stockpile or to materials or equipment acquired under section 303 of the Defense Production Act of 1950, as amended (50 U.S.C. App. 2093). However, to the extent deemed appropriate the provisions of this part 101-45 should be followed in the disposal of such materials.

§ 101-45.105-2 Disposal of certain vessels.

The Secretary of Transportation has jurisdiction over the disposal of vessels of 1,500 gross tons or more which the Secretary determines to be merchant vessels or capable of conversion to merchant use.

[53 FR 16121, May 5, 1988]

§ 101-45.105-3 Exemptions.

Exemptions from the provisions of this Part 101-45 may be obtained by an agency head who believes that authority with respect to the programs covered by section 602(d) of the Act would be impaired or adversely affected by this part. Exemptions may be requested, in writing, from the Administrator of General Services.

[59 FR 50697, Oct. 5, 1994]

§ 101-45.106 Property controlled by other law.

No property shall be disposed of in violation of any other applicable law.

§ 101-45.107 Holding agency compliance function.

Subject to the provisions of §101-45.107-1 requiring referral of criminal matters to the Department of Justice, each holding agency shall perform in-

vestigatory functions as are necessary to insure compliance with the provisions of the Federal Property Act and with the regulations, orders, directives, and policy statements of the Administrator of General Services. Nothing in this §101-45.107 should be deemed to affect the jurisdiction of any agency over its own personnel or any existing arrangements with Department of Justice concerning the handling and prosecution of criminal matters.

§ 101-45.107-1 Referral to other Government agencies.

All information indicating violations by any person of Federal criminal statutes, or violations of section 209 of the Federal Property Act, including, but not limited to, fraud against the Government, mail fraud, bribery, attempted bribery, or criminal collusion, shall be referred immediately to the Department of Justice, for further investigation and disposition. Each holding agency shall make available to the Department of Justice, or to such other governmental investigating agency to which the matter may be referred by the Department of Justice, all pertinent information and evidence concerning the indicated violations; shall desist from further investigation of the criminal aspects of such matters except upon the request of the Department of Justice; and shall cooperate fully with the agency assuming final jurisdiction in establishing proof of criminal violations. After making the necessary referral to the Department of Justice, inquiries conducted by the holding agency compliance organizations shall be limited to obtaining information for administrative purposes. Where irregularities reported or discovered involve wrongdoing on the part of individuals holding positions in Government agencies other than the agency initiating the investigation, the case shall be reported immediately to the Administrator of General Services for an examination in the premises.

§ 101-45.107-2 Compliance reports.

A written report shall be prepared on all compliance investigations conducted by each agency compliance organization. Each holding agency shall maintain files of all such reports. Until

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otherwise directed by the Administrator of General Services, there shall be transmitted promptly to GSA one copy of any such report which contains information indicating criminality on the part of any person or indicating substantial noncompliance with the Act or with the regulations, orders, directives, and policy statements of the Administrator of General Services. In transmitting such reports to the Administrator of General Services, the agency shall set forth the action taken or contemplated by the agency to correct the improper conditions disclosed by the investigation. Where any matter is referred to the Department of Justice, a copy of the letter of referral shall be transmitted to GSA.

Subpart 101-45.2 [Reserved]

Subpart 101-45.3—Sale of Personal Property

§ 101-45.300 Scope of subpart.

This subpart prescribes the policies and methods governing the disposal of personal property by sale.

§ 101-45.301 [Reserved]

§ 101-45.302 Sale to Government employees.

To the extent not prohibited by the regulations of an executive agency, an employee of such agency (either as a civilian or as a member of the Armed Forces of the United States, including the U.S. Coast Guard, on active duty) may be allowed to purchase Government personal property. The term employee as used in this section includes an agent or immediate member of the household of the employee.

[35 FR 14134, Sept. 5, 1970]

§ 101-45.303 Reporting property for sale.

If holding agencies elect to have GSA sell their property, it shall be reported to the appropriate GSA regional office for the region in which the property is physically located in the manner outlined below:

(a) *Reportable property.* Property required to be reported to the GSA regional offices for utilization screening

as set forth in part 101-43, if not transferred or donated, will be programmed for sale by the GSA regional office.

(b) *Nonreportable property.* Property not required to be reported for utilization screening and for which any required donation screening has been completed shall be reported to the appropriate GSA regional office on Standard Form 126, Report of Personal Property for Sale (illustrated in § 101-45.4901-126). Standard Form 126A, Report of Personal Property for Sale—Continuation Sheet, shall be used if additional pages are required. Standard Forms 126 and 126A are stocked as five-part carbon interleaved forms and may be obtained by submitting a requisition in FEDSTRIP/MILSTRIP format to the GSA regional office providing support to the requesting activity.

[30 FR 2930, Mar. 6, 1965, as amended at 31 FR 5000, Mar. 26, 1966; 42 FR 40852, Aug. 12, 1977; 59 FR 50697, Oct. 5, 1994]

§ 101-45.303-1 Describing property.

In the interest of good business practice, property reported for sale shall be described in commercial terminology and as fully and accurately as possible, including its condition.

§ 101-45.303-2 Display and inspection.

Holding agencies shall assist prospective bidders to the maximum extent possible during the inspection period prescribed in the sales offering. However, no information shall be provided to a prospective bidder which is not available to all bidders.

§ 101-45.303-3 Delivery.

(a) After full payment has been received from a buyer, the GSA regional office will notify the holding activity by copy of the GSA Form 27A, Purchaser's Receipt and Authority to Release Property, that property may be released to the purchaser. (See §§ 101-45.4902-27A (over-the-counter and self-mailer)). Upon completion of a sale, the servicing GSA finance office will simultaneously forward to the holding activity additional copies of the GSA Form 27A and completed copies of Standard Form 1081, Voucher and Schedule of Withdrawals and Credits, for use as internal accounting documents.