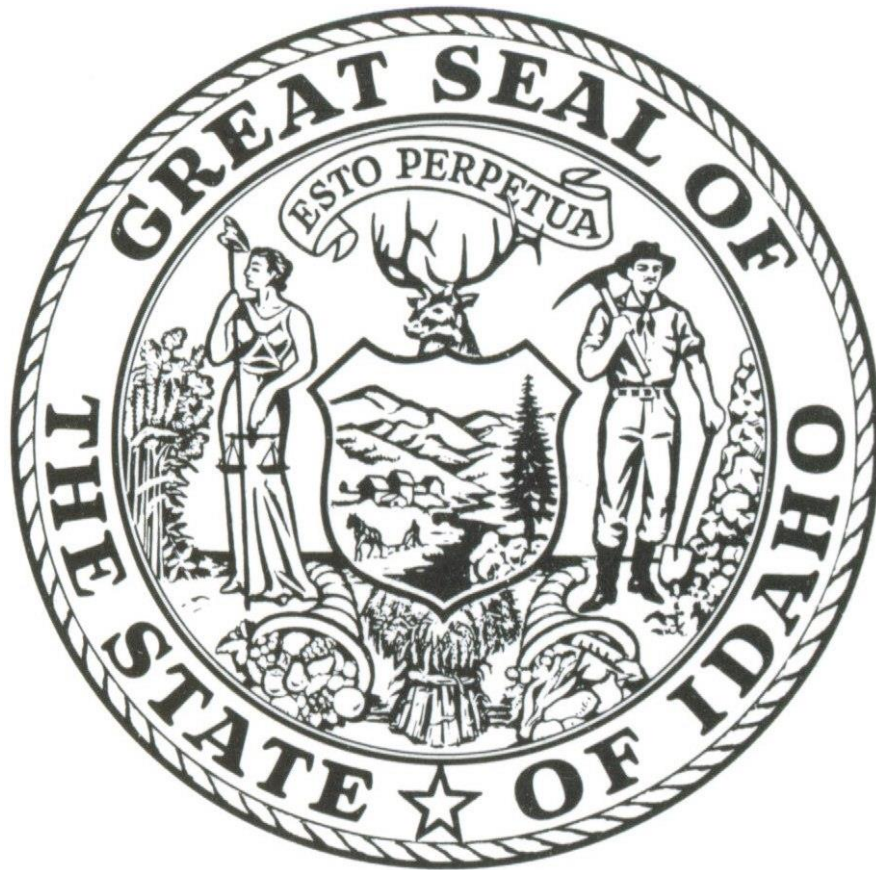


State of Idaho
Bureau of Federal Surplus Property



State Plan of Operation

26 November 2019

State of Idaho
Bureau of Federal Surplus Property
State Plan of Operation

Foreword

This plan sets forth the operating procedures and practices to be carried out by the Department of Administration, Division of Purchasing, Bureau of Federal Surplus Property in effecting fair and equitable distribution of federal surplus personal property, within the State, to:

- A. Public agencies, nonprofit organizations and organizations of special interest to the Department of Defense as are determined to be eligible to receive such surplus personal property under 40 U.S.C. Sec. 549 Donation of Personal Property Through State Agencies, as amended.
- B. Small business concerns in the 8(a) BD program under 15 U.S.C. Sec. 636, as amended.

In developing and implementing this plan, the State of Idaho has considered the relative needs and resources of all public agencies and eligible institutions in the State of Idaho.

Operating procedures and practices described herein are in accordance with the regulations as set forth in Federal Management Regulation (FMR) Subchapter B Part 102-37 Donation of Surplus Personal Property, as revised.

This plan was published at least sixty (60) calendar days prior to filing with GSA and interested persons were given at least thirty (30) calendar days during which to submit comments. These comments, as well as the relative needs and resources of all public agencies and other eligible donees were considered in developing the State Plan of Operation.

This plan was published in accordance with Idaho Statute Title 67, Chapter 52, 67-5203 (Appendix A).

Table of Contents

<u>Chapter</u>	<u>Subject Matter</u>	<u>Page</u>
1	Operational authority.....	1
2	Designation of State Agency for Surplus Property (SASP).....	1
3	Inventory Control and Accounting Systems.....	3
4	Return of Donated Property.....	4
5	Financing and Service Charges.....	5
6	Terms and Conditions on Donated Property.....	7
7	Nonutilized or Undistributed Property.....	10
8	Fair and Equitable Distribution.....	10
9	Eligibility.....	11
10	Compliance and Utilization.....	13
11	Consultation with Advisory Bodies and Public and Private Groups.....	14
12	Audit.....	15
13	Cooperative Agreements.....	15
14	Liquidation.....	16
15	Forms.....	16
16	Records.....	16

Appendices

- A Idaho Statute Title 67, Chapter 57, 67-5740 thru 67-5744
- B Distribution Document-Invoice

1) Operational authority

- a) Idaho Statute Title 67, Chapter 57, 67-5740 thru 67-5744, as amended, (Appendix A), legally establishes the Bureau of Federal Surplus Property (hereinafter referred to as the Bureau) within the Idaho Division of Purchasing (hereinafter referred to as the Division), Department of Administration. Idaho Statute 67-5740 (Appendix A) sets forth the statutory authority for the Division to:
 - i) Acquire, warehouse, and distribute surplus property, to eligible donees, under the provisions of the Federal Property and Administrative Services Act of 1949, as amended (hereinafter referred to as the Act), other federal laws relating to surplus property and the State Plan of Operation;
 - ii) Comply with federal laws and regulations in the administration of surplus property received through federal agencies, and the most recent approved State Plan;
 - iii) For the purpose of executing its authority under this chapter, the administrator is authorized and empowered to adopt, amend, or rescind such rules and prescribe such requirements as may be deemed necessary and take such other action as is deemed necessary and suitable, in the administration of this chapter, to assure maximum utilization by and benefit to health, educational and civil defense and other eligible institutions and organizations within the state from property distributed under this chapter.
- b) The Division has the organizational and operational authority, as set forth in Idaho Statute 67-5740 and 67-5743 (Appendix A) to:
 - i) Execute certifications and agreements and enter into cooperative agreements with the United States General Services Administration (hereinafter referred to as GSA) and other federal state and local agencies;
 - ii) Establish, assess and collect service charges and fees for handling donated property and other property.
- c) The Division may, subject to limitations of State law, acquire and hold title to real property, make capital improvements thereto, and make advance payments of rent for distribution center facilities, office space, or other facilities required to carry out the functions of the Division.
- d) The Division is authorized to make certifications, to expend funds, to contract or take other necessary actions in the name of the State of Idaho or the Department of Administration as may be required by law or regulation relating to acquiring, warehousing, storing, merchandising, conveying, inventorying, distributing, transferring, re-transferring, recapturing, repairing, reverting, and disposing of available federal personal, real or related property under the provisions of the Act.

2) Designation of State Agency for Surplus Property (SASP)

- a) The Bureau of Federal Surplus Property shall be responsible for administration of the State Plan of Operation (hereinafter referred to as the Plan) throughout the State of Idaho and shall be the State Agency for Surplus Property as referred to in the Act.
- b) The Bureau shall fit within the framework of State government as approved by the Governor, State Legislature, or the Director, Department of Administration as applicable.

- c) The Bureau shall be headed by a Bureau Chief appointed by the Administrator of the Division of Purchasing and the Bureau Chief, or their designee, may enter into specific written agreements or contracts with individuals, vocational schools, sheltered workshops, or other sources for repairing, rehabilitating, modifying or refinishing available property to increase utilization by eligible donees.
- d) The Bureau staffing currently includes one full time Technical Records Specialist and one full time Storekeeper.
- e) The Bureau Chief shall:
 - i) Administer the Plan;
 - ii) Coordinate the locating, screening, acquisition, transportation, repairing, reutilization, merchandising, distribution, and redistribution of all federal personal property under the provisions of the Act;
 - iii) Make the determination of allocation when more than one donee of equal priority requests the same or similar property in accordance with chapter 8 of the Plan;
 - iv) Request approval from the appropriate GSA regional office to abandon or destroy undistributed surplus property that has no commercial value or the estimated cost of its continued care and handling would exceed the estimated proceeds from its sale in accordance with FMR 102-37.320;
 - v) Provide such services as requested in acquiring federal property for transfer to eligible institutions and organizations within the state to alleviate both physical and economic hardships caused by disasters or emergencies in accordance with federal regulations or directives;
 - vi) Re-delegate or assign to any employee of the Bureau such responsibilities or tasks as he deems reasonable and proper for the administration of the Bureau.
 - (1) The Assistant Bureau Chief (as assigned) will act for the Bureau Chief in their absence to fulfill the requirements of the Bureau.
- f) The Bureau shall operate in accordance with state laws, regulations and policies; Department of Administration Regulations and directives; and within the minimum standards of any federal laws or regulations governing the federal property programs.
- g) The Bureau shall comply with Title VI of the Civil Rights Act of 1964 which provides that no person in the United States will on the grounds of race, color, or national origin and Section 504 of the Rehabilitation Act of 1973, as amended, regarding discrimination on the grounds of handicaps, be excluded from participation in, be denied the benefits of, or be subjected to discrimination in any program or activity receiving Federal financial assistance.
- h) The Bureau shall comply with Title VI, Section 606 of the Federal Property and Administrative Services Act of 1949, as amended, Title IX of the Education Amendments of 1972, as amended, and Section 303 of the Age Discrimination Act of 1975.
- i) The Bureau shall comply with the GSA's "Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition against National Origin Discrimination Affecting Limited English Proficient Persons". The Bureau has completed the four factor analysis and will ensure meaningful access by LEP persons to critical services.

- j) The Bureau is authorized and has the necessary organizational and operational authority to act as the State Agency for Surplus Property and has the capability and capacity, including staff, facilities, means, methods of financing, and procedures with respect to accountability, audits, compliance and utilization reviews, fair and equitable distribution, property disposals, and determination of eligibility.
- k) The Bureau shall:
 - i) Continue to utilize its present facility, containing approximately 20,000 square feet of warehouse and office space with an additional 70,000 square feet of approximate yard space, as their central office and distribution center located at 104 S. 43rd Ave in Caldwell, Idaho;
 - ii) Arrange for deliveries within the state to facilitate distribution of large quantities of property in a particular county or area as resources permit;
 - iii) With the approval of the Director of Department of Administration, lease or purchase additional facilities throughout the state or change locations as the needs arise.

3) Inventory Control and Accounting Systems

- a) The Bureau shall maintain accurate accountability records of all surplus federal property approved for transfer to the Bureau and federal surplus property received, warehoused, distributed and disposed of by it. Accountability records of all passenger motor vehicles and single items having an acquisition cost of \$5,000 or more on which special restrictions are imposed shall be maintained to be able to identify the items. The threshold for line item accountability shall be \$500.
 - i) All property received shall be checked in promptly as soon as full identification can be completed.
 - ii) The approved copy of the Standard Form 123 shall be used as the basis of checking in all property. To supplement this, available shipping documents, invoices and bill of lading shall be used.
 - iii) Any overage or shortage of property listed on the SF 123 as received by the Bureau shall be annotated on the SF 123 and a Form 123 Over/Short Report prepared and forwarded to the GSA Regional Office, with a copy to the disposal activity. In addition, whenever the estimated fair value or acquisition cost of property received, but not listed, is \$500 or more, an SF 123 shall be prepared and submitted to the GSA Regional Office for donation approval.
 - iv) From the annotated SF 123, or receiving report, all property received shall be entered into the inventory control system by identification number, acquisition cost, unit of transfer, quantity received, noun nomenclature and from where and when acquired.
 - v) All property transferred to eligible donees shall be listed on a Distribution Document or Invoice (Appendix B) and the information contained thereon shall be entered into the inventory control system by date of transfer and name or identification number of donee receiving the property.
 - vi) All other disposals as authorized by GSA regulations or this Plan shall be documented and entered into the inventory control system and become a part thereof.
 - vii) Periodically, spot inventory checks shall be made by taking a physical count of the stock on hand and comparing it with the inventory control system, or vis versa. All

differences shall be properly noted and recorded and become a part of the inventory control system.

- viii) All property as reflected in the inventory control system shall be verified by physical inventory annually with any overage or shortage properly documented and recorded in the system. All adjustments shall become a part of the system, after approval and follow-up by the Bureau Chief.
- ix) Supplement files, registers or lists shall be maintained by, or assessable to, the inventory control system to allow tracing of property received through donation or other disposal, and to determine the quantities of various types of property donated to individual donees.
- x) All donated items, on which special restrictions are imposed, shall be listed in a separate compliance file for compliance follow up.
- xi) Distribution documents for any surplus property retained by the SASP will be maintained separate from those of donable property.
- b) The Division shall utilize the State Accounting System as implemented by the Department of Administration Division of Internal Management Systems and supplemented by the Bureau's Inventory Management System which identifies and separately accounts for funds accumulated from fees or service charges received from recipient institutions and organizations and other income; categories operating expenses by object codes; makes provisions for other assets, liabilities and reserve accounts; and provides a monthly listing on all transactions made.

4) Return of Donated Property

- a) The Bureau shall require that the donee return to the Bureau for further distribution or make other disposition of, any usable donated property, as determined by the Bureau, which:
 - i) The donee has not placed into use for the purpose for which it was donated within 1 year of donation; or
 - ii) Donee ceases to use the property within 1 year after placing it in use.
- b) When the donee recognizes that an above condition exists, they will promptly notify the Bureau of this.
- c) If it is determined by the Bureau that the property is still needed by other donees in the state, another SASP or Federal agency, or that the present donee has a continuing eligible need the Bureau shall, at its option after considering the circumstances involved:
 - i) Authorize a time extension, or
 - ii) Attempt a compromise on the handling charges assessed to make it economically feasible for the donee to utilize the property, or
 - iii) Attempt to retransfer the property directly to another donee who has expressed a need for that type property, or
 - iv) Attempt, with GSA approval, to retransfer the property directly to another SASP or Federal agency, or
 - v) Notify the donee to ship or bring the property to the Bureau's facility, at their expense, with no credit or refund made to any handling or service charge or fee assessed. However, if the property is returned to the facility within 60 days of the

date of transfer in the same or better condition as originally transferred the Bureau may, at its option, credit all or a portion of, the handling charge originally assessed to the donee for the property involved.

(1) Property returned to the Bureau's facility will be returned into inventory and handled in the same manner as listed in chapter 7.

- d) If it is determined by the Bureau that the property is no longer usable donated property, the Bureau shall, at its option after considering the circumstances involved:
 - i) Authorize cannibalization, or
 - ii) Authorize disposal (by sale or other means) as directed by the Bureau, in accordance with FMR regulations.
- e) When a donee returns unneeded property to the Bureau, the donee may be reimbursed for all or part of the initial cost of any repairs required to make the property usable, in accordance with (FMR) 102-37.500, if:
 - i) The property is transferred to a Federal agency or sold for the benefit of the U.S. Government;
 - ii) No breach of the terms and conditions of donation has occurred; and
 - iii) GSA authorizes the reimbursement.
- f) The Bureau shall recommend to GSA reimbursement to the donee from proceeds received by GSA when property is sold or otherwise disposed of pursuant to Federal Management Regulation (FMR) 102-37.505.
- g) The Bureau shall make known to the donee the terms, conditions and restrictions imposed on donated property and shall periodically emphasize these terms, conditions and restrictions when corresponding or meeting with donees and when surveying the utilization of donated property at donee facilities.

5) Financing and Service Charges

- a) Idaho Statute 67-5743 and 67-5744 (Appendix A) sets forth the statutory authority for the Bureau to pay its operating expenses and reasonable indirect costs, make capital expenditures and establish a working capital reserve account from:
 - i) Assessment and collection of service and handling charges and fees from participating donees;
 - ii) Receipts from State compliance actions and GSA sales;
 - iii) Other receipts such as sale of capital assets, dividends or interest, insurance settlements, or other properly authorized endeavors; and
 - iv) State or federal appropriations, grants, gifts or advances.
- b) The Bureau shall assess, collect and account for a service and handling charge or fee from recipient donees which is:
 - i) Fair and equitable for each item donated, and is
 - ii) Based on the annual operational expenses of the Bureau, such as screening, transportation, packing, crating, handling, removal, personnel salaries and expenses, utilities, fuels, maintenance, warehousing, administration, accounting, compliance, depreciation, insurance, printing and reserves, and is
 - iii) Based on the prorated direct and reasonably indirect costs of services performed, or paid for, incident to transfer, and is

- | | |
|---------------------|-----------------------------|
| i) Acquisition Cost | Service and Handling Charge |
|---------------------|-----------------------------|

Dollar Range:			Percentage Range:		
\$0	-	\$500	0	-	100%
\$501	-	\$2,500	0	-	75%
\$2,501	-	\$5,000	0	-	50%
\$5,001	-	\$10,000	0	-	25%
Over \$10,000			0	-	15%

Including:

- (1) Costs expended to remodel, recondition, refinish, modify purchase or repackaging;
 - (2) Unusual or additional freight or handling caused by bulk, cube, weight, or distance;
 - (3) Dismantling, crating, removal, special handling, or site clearance assessed, caused, or requested by the holding activity or donee.
- ii) Periodic adjustment of the base range of service and handling charges assessed can be made based upon the Bureau operational requirements as set forth in the Plan, pursuant to Federal Management Regulations (FMR) 102-37.
 - iii) Reassessments of handling charges determined can be made on an after the fact basis arrived at from additional information sources, determinations made from inventory analysis, deterioration in inventory, and by consultation with donee groups.
 - iv) To avoid unfair discrimination to donees receiving the same or similar property at varying handling or transfer charges, an equalizing factor or formula can be established by the Bureau Chief for application when appropriate.
- The Bureau shall allow a specific discount from the completed service charge as shown in (c) above:
- i) When the donee screens, arranges for packing, crating, removal and transportation from the federal holding activity and is allocated property requested by them;
 - ii) The following formula will be applied to determine the service and handling charge or fee for direct pickups:

(1) Total Acquisition Cost per Line Item	Service and Handling Charge
Range:	Percentage of
Dollars	Acquisition of Cost

19,999 or Less	10%
20,000 – 39,999	9%
40,000 – 59,999	8%
60,000 – 79,999	7%
80,000 – 99,999	6%
100,000 or Greater	5%

- iii) Property made available to nonprofit providers of assistance to homeless individuals, shall be distributed at a nominal cost for care and handling of property.
- iv) Any discounts allowed from the base service charges will not relieve the Bureau, or the donee, from their respective responsibilities for the determination of eligibility, determination of needs, resources and ability to utilize the property, application submission, follow up authorizations, inventory control, accounting, compliance restrictions, utilization reviews and investigations or other procedures and duties as prescribed by law or regulation.
- v) There will be a minimum service charge of \$25 per distribution document to eligible donee organizations. This may be waived on a case by case basis at the discretion of the Bureau.
- e) Only the Bureau shall use the funds accumulated from service and handling charges and other sources, as described in (A) above and the Bureau shall use the funds only for the operation of the Bureau and for the benefit of participating donees in accordance with FMR 102-37.280 and authorized in Idaho Statute 67-5743 and 67-5744 (Appendix A) to:
 - i) Pay the direct and indirect costs of the Bureau's operation;
 - ii) Purchase necessary equipment;
 - iii) Maintain a reasonable working capital reserve;
 - iv) Rehabilitate donable surplus property;
 - v) Purchase replacement parts on property;
 - vi) Acquire or improve office or distribution center facilities;
 - vii) Pay for the costs of internal or external audits.
- f) Any financial assets realized upon the sale or other disposal of Bureau facilities will be divided among the participating donees of the past two years, based on a proration of the amount of service charges paid by each donee during the period.
- g) To insure its perpetuation and fulfill its donee responsibilities, the Bureau shall:
 - i) Deposit all funds derived in a separate, interest bearing, account within the State Treasury for the exclusive use of the Bureau.
 - ii) Cause any funds accumulated by the Bureau in the working capital reserve account over and above an amount equivalent to the projected Bureau cost of operation for their next succeeding fiscal year to be refundable to recipient institutions by reducing transfer and service charges or fees during the current and ensuing fiscal year. The

maximum amount the SASP can accumulate and carry over is twice the projected expenditures. An exception to this is allowable when excess reserve funds are accumulated in anticipation of purchases of new facilities or capital items. Prior to such an accumulation of excess reserves, the concurrence of the Director of the Department of Administration will be obtained, and GSA shall be notified.

6) Terms and Conditions on Donated Property

- a) The Bureau shall require each eligible donee, as a condition of eligibility, to file with the Bureau an Application for Eligibility. The Application of Eligibility includes forms for; Authorized Representatives, Nondiscrimination Assurance, Return Policy and Terms and Conditions which will outline the certifications and agreements; and the terms, conditions, reservations and restrictions under which all federal surplus personal property will be donated. Each form must be signed by the Chief Executive Officer of the donee institution or organization agreeing to these requirements prior to the donation of any surplus property. The certifications and agreements, and the terms, conditions, reservations and restrictions will be printed on the reverse side of each Distribution Document-Invoice.
- b) The Bureau shall impose on all donees the statutory requirement that all items donated must be placed into use for the purpose for which it was donated within one year of donation and be used by the donee for such purposes for a minimum period of one year after being placed in use.
- c) The Bureau shall establish periods of restrictions on all items of property donated which have a unit acquisition cost of \$5,000 or more, and on all passenger motor vehicles, of 6 months following the Federal 12 month restriction, from the date the property is placed in use.
 - i) Additional periods of restriction will be placed on all aircraft, certain vessels, and certain items of major or specialized equipment, except as outlined in Section G below:
 - (1) Aircraft, other than combat type, shall be restricted for 60 months from the date the aircraft was placed in use and shall be subject to the requirements of a Non-Combat-Type Aircraft Conditional Transfer.
 - (2) Vessels, 50' or more in length, shall be restricted for 60 months from the date the vessel was placed in use and shall be subject to the requirements of a Vessel Conditional Transfer.
 - (3) Aircraft, combat type, shall be restricted in perpetuity from the date the aircraft was placed in use and shall be subject to the requirements of a Combat-Type Aircraft Conditional Transfer.
 - (4) Certain items of major or specialized equipment, at the reasonable discretion of the Bureau, may be subjected to any additional terms, conditions, reservations, or restrictions so indicated on the Distribution Document-Invoice.
- d) The Bureau, at its discretion, may impose such terms, conditions, reservations or restrictions as it deems reasonable on the use of donated property other than items with a unit acquisition cost of \$5,000 or more, passenger motor vehicles, aircraft and vessels, 50' or more in length.

- e) The Bureau shall impose on the donation of any item of property, regardless of unit acquisition cost, such conditions involving special handling or use limitations as GSA may determine necessary because of the characteristics of the property.
- f) The Bureau may amend, modify, arbitrate, or grant release of any term, condition, reservation, or restriction it has imposed, separate from the Federal restrictions, on donated items of personal property in accordance with the standards prescribed in this Plan or otherwise authorized in FMR regulations provided that the conditions pertinent to each situation have been affirmatively demonstrated to the prior satisfaction of the Bureau.
- i) Secondary utilization or cannibalization may be approved by the Bureau provided that:
 - (1) The disassembly of the item and the use of its component parts for secondary use or for repair and maintenance of a similar item has greater potential benefit to the donee than utilization of the item in its existing form;
 - (2) The items approved for disassembly or cannibalization will remain under the period of restriction imposed by the transfer document pending completion of the proposed secondary use or cannibalization; and
 - (3) A written request for approval of such action is made by the donee to the Bureau and includes a list of all components resulting from the secondary utilization or cannibalization which would have a single item component value of \$5,000 or more which would remain under the restrictions imposed by the transfer document. Components with a single item value of less than \$5,000 will be released from the restrictions imposed by the transfer document and would continue to be used by the donee or be otherwise disposed of in accordance with applicable law and regulations.
 - (4) Secondary utilization or cannibalization approvals will be retained with the original transfer documents.
- ii) The acquisition cost of an item may be revised by the Bureau provided that the request therefor is made in writing by the donee, and it is determined by the Bureau that, the listed acquisition cost is unrealistic in view of its research and development costs, its incompleteness due to missing parts, or its generally deteriorated condition.
- iii) A donated item of personal property may be destroyed or abandoned by a donee when it is determined by the Bureau that the item has no commercial value or the estimated cost of its continued care and handling would exceed the estimated proceeds from its sale, when the determination is based on a finding made in writing by the Bureau and the Bureau prescribes the means and methods whereby the property shall be destroyed or abandoned.
- iv) The enforcement of the terms, conditions, reservations and restrictions imposed by the Bureau on donated property, or the remedy of breaches of such terms and conditions, may be satisfied, at the discretion of the Bureau:
 - (1) When payment is made to the Bureau of all fair rental values due and payable for any unauthorized use of donated property; and

- (2) When payment is made to the Bureau of either the fair market value or gross proceeds of sale, whichever is in the best interest of the State, for the unauthorized disposal or destruction of donated property; or
- (3) When donated property is recovered by the Bureau and the custody, accountability and redistribution of such reverted property again becomes the responsibility of the Bureau, and
- (4) When such action will not result in a windfall revenue to the donee.
- v) Provided an item of donated property is not in compliance status, a reduction in the period of restriction may be authorized by the Bureau when a revised standard covering the period of restriction is promulgated by the Bureau.
- vi) These provisions are not applicable to:
 - (1) A donated military type aircraft, or other items of property on which GSA has imposed special handling condition or use limitations; or
 - (2) Property which was not placed in use for the purposes for which acquired within one year from the date the property was received and continued in use for one year from the date the property was placed in use, except with respect to secondary use or cannibalization, as provided in FMR 102-37.435.
- g) Except in cases involving the failure to use or the misuse of donated property, abrogation of restrictions imposed by the Bureau on the Distribution Document-Invoice may be authorized upon payment to the Bureau of an amount representing the fair market value at the time of donation less a credit for the time the property was used for the purpose for which donated during the period of restriction, and provided that the Bureau determines that such action will not result in a windfall revenue to the donee, and provided further that the property has been used for at least 12 months from the date of being placed in use.

7) Nonutilized or Undistributed Property

- a) Donable federal surplus property in the possession of the Bureau which cannot be utilized by eligible donees in the State shall be disposed of:
 - i) Through transfer by the Bureau to another State Agency, or federal agency, subject to GSA approval within 30 days after notice to them, with optional reimbursement of costs incurred in acquiring the property, including packing, handling and transportation, or
 - ii) Subject to GSA approval within 30 days after notice to them, property which has no commercial value or the estimated costs of its continued care and handling would exceed the estimated proceeds from sale will be destroyed or abandoned in accordance with the provisions of FMR 102-37.320.
 - iii) Through other means as determined by GSA, which includes public sales at a branch facility or a federal agency, and the recovery and reutilization by federal agencies.
- b) When the Bureau disposes of federal surplus personal property in its possession which cannot be utilized by the eligible donees in the State, it may be reimbursed for costs of care and handling pursuant to FMR 102-37.315.

8) Fair and Equitable Distribution

- a) The Bureau shall promptly obtain fair and equitable distribution of available federal surplus property to all eligible public agencies and to other eligible institutions located within the State based upon their relative needs and resources and their ability to utilize the property, by the following procedures:
 - i) The Bureau shall, in so far as practical, select property requested by a public agency or other eligible institution within the State and, if so requested by the recipient, arrange for shipment of the property, when acquired, directly to the recipient. Otherwise the property will be transported to a Bureau distribution center for donee selection or allocation.
 - ii) The donee want list or register will include special or major items of property not generally available at the Bureau's distribution center and will be initiated from donees' requests received by the Bureau.
 - iii) When competing requests are received for items of property the Bureau will make a determination as to the allocation based on an evaluation of the criteria in (B) and (C) below.
- b) The Bureau shall review information submitted by the eligible donee, or obtained by the Bureau, at the time of donee certification, or at other times, to establish any priorities necessary to ensure fair and equitable distribution based upon relative needs and resources by considering:
 - i) Population and area served;
 - ii) Students, patients, patrons or citizens served; and
 - iii) Per capita income, property valuations, operating revenues, budgets, availability of funds or other economic conditions or factors.
- c) The Bureau shall review information submitted by the eligible donee, or obtained by the Bureau, at the time of donee certification, or at other times, to establish any priorities necessary to ensure fair and equitable distribution based upon the donees ability to utilize the property requested by considering the:
 - i) Details on the scope of the donee's programs, financial and specific items requested;
 - ii) Critical needs due to emergencies such as fire, flood, or other disasters;
 - iii) Ability to make necessary repairs and perform maintenance requirements;
 - iv) Quantity of property under consideration which has been previously allocated to the donee;
 - v) Ability, willingness and performance previously demonstrated by the donee to inspect, select and remove property allocated to him;
 - vi) Justifications given on the proposed use of the property and if they are permanent or temporary; and
 - vii) Prompt payment of service charges and fees assessed, compliance problems and operational characteristics, of the donee.

9) Eligibility

- a) The Bureau is responsible for the determination that an applicant is eligible or ineligible to receive federal surplus property through the Bureau and will contact and instruct all known potential donees in the State on the procedures to follow to establish their eligibility to participate in the surplus property program.

- b) Federal surplus personal property will be made available, after approval and certification by the Bureau, to those eligible donees, who have certified that such property is useful and needed and satisfactorily established that they are a:
 - i) Public agency, meaning any State; political subdivision thereof, including any unit of local government or economic development district; any department, agency or instrumentality thereof, including instrumentalities created by compact or other agreement between States or political subdivisions; multijurisdictional substate districts established by or pursuant to State law; or any Indian tribe, band, group, pueblo or community located on a State reservation; or a
 - ii) Nonprofit educational or public health institutions authorized in Section 549(c)(3) of title 40, United States Code such as;
 - (1) Medical institutions.
 - (2) Hospitals.
 - (3) Clinics.
 - (4) Health centers.
 - (5) Drug abuse or alcohol treatment centers
 - (6) Providers of assistance to homeless individuals
 - (7) Providers of assistance to impoverished families and individuals
 - (8) Schools.
 - (9) Colleges.
 - (10) Universities.
 - (11) Schools for the mentally disabled.
 - (12) Schools for the physically disabled.
 - (13) Child care centers.
 - (14) Radio and television stations licensed by the Federal Communications Commission as educational television stations.
 - (15) Museums attended by the public.
 - (16) Libraries, serving free all residents of a community, district, State or region.
 - (17) Historic light stations as defined under section 308(e)(2) of the National Historic Preservation Act (16 U.S.C. 470w-7(e)(2)), including a historic light station conveyed under subsection (b) of that section, notwithstanding the number of hours that the historic light station is open to the public.
 - iii) State or local government agency, or nonprofit or institution, that receives Federal funding to conduct programs for older individuals as authorized by Section 213 of the Older Americans Act of 1965, as amended (42 U.S.C. 3020d).
 - iv) Section 549(c)(3)(C) of title 40, United States Code authorizes SASPs to donate property to veterans' organizations, for purposes of providing services to veterans (as defined in section 101 of title 38). Eligible veterans' organizations are those whose:
 - (1) Membership comprises substantially veterans; and
 - (2) Representatives are recognized by the Secretary of Veterans Affairs under section 5902 of title 38.

- v) Section 549(d) of title 40, United States Code authorizes surplus property under the control of the Department of Defense (DOD) to be donated, through SASPs, to educational activities which are of special interest to the armed services, referred to as service educational activities or SEAs.
- vi) Small business concerns in the 8(a) BD program under 15 U.S.C. Sec. 636, as amended.
- c) The Bureau shall maintain a complete and current eligibility file on each active donee which shall include the following properly executed documents as set forth in Chapter 6, Section A of this Plan:
 - i) Application for Eligibility, setting forth the legal name, address, status of the donee as a public agency or as an eligible nonprofit activity, eligibility information, list of supplementary documents required, acceptance of the terms and conditions under which property will be transferred and types of property needed.
 - ii) Authorized Representatives, provides written authorization by the donee's governing body or chief administrative officer designating one or more representatives to act for the donee, in acquiring property, obligate any necessary funds, and execute Distribution Document-Invoice (Appendix B).
 - iii) Nondiscrimination Assurance, assuring compliance with GSA regulations under Title VI of the Civil Rights Act of 1964, Section 606 of Title VI of the Federal Property and Administrative Services Act of 1949, as amended, Section 504 of the Rehabilitation Act of 1973, as amended, Title IX of the Education Amendments of 1972, as amended, and Section 303 of the Age Discrimination Act of 1975.
 - iv) Additional supplemental documents, or copies thereof, as required by 1, 2, and 3 above shall provide for donee eligibility records to include at a minimum:
 - (1) Evidence of public agency or tax exemption under Section 501 of the Internal Revenue Code of 1954 if the donee is nonprofit;
 - (2) Details and scope of programs, activities, functions and services rendered;
 - (3) Proof that the applicant is approved, accredited or licensed in accordance with FMR 102-37.395; and
 - (4) Additional and supplemental financial information and statistics and other documentation to help evaluate their relative needs, resources and ability to utilize available property, as well as determine eligibility may also be requested when needed.
- d) In certain cases, conditional eligibility shall be granted to newly organized activities which may not have commenced operations, completed construction of its facilities, or not yet been approved, accredited, or licensed as may be required to qualify as an eligible donee, so long as the requirements of the FMR are met. In other cases, the Bureau may accept letters from public authorities, either local or State, which the Bureau deems competent, such as a Board of Health or Board of Education, that the applicant otherwise meets the standards prescribed for approved, accredited or licensed institutions and organizations.
- e) The Bureau shall update a donee's eligibility records on a periodic basis, but not less than once every three years, to insure continuing eligibility. When an eligible donee ceases to

operate, or when it loses its license, accreditation, or approval, or because of compliance violations or other reasons affecting a donee's eligibility, the Bureau shall terminate its distribution of federal property to such activity and require appropriate resolution of all items of property still under restrictions. Eligibility files for programs that are certified, approved and/or licensed shall be updated upon certification renewal or once every three years, whichever comes first.

10) Compliance and Utilization

- a) The Bureau shall affect utilization reviews for compliance by donees with the terms, conditions, reservations and restrictions imposed by GSA and the SASP on:
 - i) Any property not placed in use within one year from the date of acquisition, and not used for a period of one year;
 - ii) Any passenger motor vehicle;
 - iii) Any item of property with an acquisition cost of \$5,000 or more; and
 - iv) Any item having characteristics that require special handling or use limitations as imposed by GSA.
- b) The Bureau shall arrange to visit each donee receiving items of property with a unit acquisition cost of \$5,000 or more, passenger motor vehicles, or other property with special restrictions on the use of that property at least once during the period of restriction.
 - i) In the event of unusually heavy work load or during periods of restricted activity, the Bureau shall ask for written reports on utilization from the donee, rather than make personal visits.
 - ii) At the time of each visit the Bureau shall check:
 - (1) General utilization of all property received;
 - (2) Compliance with all terms, conditions, reservations and restrictions imposed on the use of the property;
 - (3) Any evidence of over supply or stockpiling;
 - (4) Need for other property by donee;
 - (5) Effectiveness of our surplus property program; and
 - (6) Recommendations for better service.
 - iii) A report will be prepared on each compliance visit and submitted to the Bureau Chief for approval. Any follow up action necessary on noncompliance or non-use will be subsequently taken as necessary to resolve the matter. Any instances of alleged fraud or misuse will be reported to GSA as appropriate and the Bureau shall assist in any subsequent investigations, as requested.
 - iv) The Bureau may amend, modify, or grant releases from any terms, conditions, reservations or restrictions it has imposed on the use of donated federal property when all federal restrictions have been satisfied in accordance with Chapter 6 of this Plan.
 - v) Personal federal property items returned to the Bureau by a donee shall be redistributed to other donees in the State or otherwise transferred or disposed of in accordance with the provisions of GSA regulations or the Plan.

- vi) Any funds, including the gross proceeds of sale or the fair value or the fair rental value of the property, derived by the Bureau from an enforcement of compliance involving a breach of any special handling condition or use limitation imposed on donated federal property by GSA, shall be remitted promptly by the Bureau to GSA for deposit in the Treasury of the United States in accordance with FMR regulations. Funds derived by the Bureau from any compliance action involving any term, condition, reservation, or restriction imposed on the donee by the Bureau and funds derived by the Bureau from any amendment, modification, or release thereof during the period shall be retained and used by the Bureau in their operation account.

11) Consultation with Advisory Bodies and Public and Private Groups

- a) Due to the geographical size of the State of Idaho and to receive the most valuable consultation from various donees, the Bureau shall utilize an annual qualitative survey sent to all eligible donees via electronic distribution. This survey will consist of pre-selected questions as well as open dialog. This survey will be utilized to assist the Bureau in determining;
 - i) Relative needs and resources of donees;
 - ii) Proposed utilization of surplus property by eligible donees; and
 - iii) How distribution of surplus property can be affected to fill existing needs of donees.
- b) The Bureau shall regularly provide information on the donation program to State and local officials, and to head of non-profit institutions and organizations and will actively participate to provide speakers for conferences and meetings held by public and private organizations.

12) Audit

- a) In accordance with FMR 102-37 appendix B periodic internal audits of Bureau operations and financial affairs will be conducted as directed by the Director, Division of Purchasing, at least every two years, on years not covered by external audits or GSA reviews.
- b) As required by FMR 102-37.345 the Bureau shall provide for external audits of the operations and financial affairs of the Bureau and compliance with the Single Audit Act (31 U.S.C. 7501-7507) as implemented by Office of Management and Budget Circular A-133, "Audits of States, Local Governments, and Non-Profit Organizations". The Bureau will provide the appropriate GSA regional office with:
 - i) Two copies of any audit report made pursuant to the Circular, or with two copies of those sections that pertain to the federal donation program; and
 - ii) An outline of the corrective actions which the Bureau will take to comply with any exceptions or violations indicated by the audit, and the scheduled completion dates for these actions will be submitted with the audit report.
- c) Periodically GSA, General Accounting Office or other authorized Federal representatives may visit the Bureau to coordinate program activities and review the Bureau operations. All records shall be made available as requested.

13) Cooperative Agreements

- a) The Bureau has the authority as indicated in Chapter 1 of this Plan to enter into, or renew, or revise, new or existing cooperative agreements (as provided for in FMR 102-37.325 through 340) with GSA or other Federal agencies in regard to:
 - i) Providing for the use of federal property, facilities, personnel, or services, with or without payment or re-imbursement, in implementing the Plan. Any federal property so placed in use shall be returned to the Bureau's inventory and made available for transfer to eligible donees, or otherwise disposed of in accordance with regulations, when no longer needed;
 - ii) Distributing donable surplus property to certain specified donees in an adjoining or nearby state when there is a concurrence between the states involved that those donees could be more efficiently and economically served;
 - iii) Expediting the acquisition of federal properties located overseas and in other remote areas;
 - iv) Others as may be necessary.

14) Liquidation

- a) In the event a determination is made to liquidate the Bureau, a liquidation plan shall be prepared in accordance with FMR 102-37.365 of the regulations and shall include:
 - i) Reason for liquidation;
 - ii) A schedule for liquidating the Bureau and the estimated date of termination;
 - iii) Method of disposing of surplus property on hand;
 - iv) Method of disposing of the Bureau's physical and financial assets; and
 - v) Retention of all available books and records of the Bureau for a two year period following liquidation.
- b) Any liquidation plan shall be submitted to GSA and approval received prior to the beginning of any such liquidation.
- c) Any liquidation plan shall require that the net assets after liquidation shall be returned to the donees in relation to their program participation.

15) Forms

- a) The Bureau shall enumerate all federal surplus property transferred to eligible donees on a Distribution Document-Invoice (Appendix B) in accordance with the provisions of this Plan.
- b) Aircraft and vessels over 50' in length, with a unit acquisition cost of \$5,000 or more, will be donated in accordance with the provisions of a Conditional Transfer Document.

16) Records

- a) The Bureau shall provide for the retention of official records for a minimum period of three years except that:
 - i) In cases involving federal property subject to restrictions for more than two years those records shall be kept for one year beyond the specified period of restriction; or
 - ii) Records involving property with perpetual restriction must be retained in perpetuity; or
 - iii) In cases where federal property is in a noncompliance status at the end of the period of restriction those records shall be kept for one year after the noncompliance case is closed.



Idaho Statutes

Print Friendly

TITLE 67

STATE GOVERNMENT AND STATE AFFAIRS

CHAPTER 57

DEPARTMENT OF ADMINISTRATION

67-5740. ADDITIONAL AUTHORITY AND DUTIES OF THE ADMINISTRATOR OF THE DIVISION OF PURCHASING. (a) The administrator of the division of purchasing is authorized and empowered (1) to acquire from the United States of America under and in conformance with the provisions of section 203(j) [40 U.S.C. sec. 484(j)] of the Federal Property and Administrative Services Act of 1949, as amended, hereinafter referred to as the "Act," such property, including equipment, materials, books, or other supplies under the control of any department or agency of the United States of America as may be usable and necessary for purposes of education, public health or civil defense, including research for any such purpose, and for such other purposes as may now or hereafter be authorized by federal law; (2) to warehouse such property; and (3) to distribute such property within the state to tax-supported medical institutions, hospitals, clinics, health centers, school systems, schools, colleges, and universities within the state, to other nonprofit medical institutions, hospitals, clinics, health centers, schools, colleges and universities which have been held exempt from taxation under section 501(c) (3) [26 U.S.C. sec. 501(c)(3)] of the United States Internal Revenue Code of 1954, to civil defense organizations of the state, or political subdivisions and instrumentalities thereof, which are established pursuant to state law, and to such other types of institutions or activities as may now be or hereafter become eligible under federal law to acquire such property.

(b) The administrator is hereby authorized to receive applications from eligible institutions for the acquisition of federal surplus real property, investigate the same, obtain expression of views respecting such applications from the appropriate health or educational authorities of the state, make recommendations regarding the need of such applicant for the property, the merits of its proposed program of utilization, the suitability of the property for such purposes, and otherwise assist in the processing of such applications for acquisition of real and related personal property of the United States under section 203(k) [40 U.S.C. sec. 484(k)] of the act.

(c) For the purpose of executing its authority under this chapter, the administrator is authorized and empowered to adopt, amend, or rescind such rules and prescribe such requirements as may be deemed necessary and take such other action as is deemed necessary and suitable, in the

administration of this chapter, to assure maximum utilization by and benefit to health, educational and civil defense and other eligible institutions and organizations within the state from property distributed under this chapter.

(d) The administrator, subject to approval of the director of administration, is authorized and empowered to appoint advisory boards or committees, who shall be compensated as provided by section 59-509(b), Idaho Code, and to employ such personnel and to fix their compensation and prescribe their duties, as are deemed necessary and suitable for the administration of this chapter. Expenditures incurred hereunder shall be paid as are other claims against the state.

(e) The administrator is authorized and empowered to make such certifications, take such action, make such expenditures and enter into such contracts, agreements and undertakings for and in the name of the state (including cooperative agreements with any federal agencies providing for utilization by and exchange between them of the property, facilities, personnel and services of each by the other), require such reports and make such investigations as may be required by law or regulation of the United States of America in connection with the disposal of real property and the receipt, warehousing, and distribution of personal property received by him from the United States of America; provided, that all expenditures, contracts, agreements and undertakings for and in the name of the state shall have the approval of the state board of examiners.

(f) The administrator is authorized and empowered to act as a clearing house of information for the public and private nonprofit institutions, organizations and agencies referred to in subparagraph (a), and other institutions eligible to acquire federal surplus real property, to locate both real and personal property available for acquisition from the United States of America, to ascertain the terms and conditions under which such property may be obtained, to receive requests from the above mentioned institutions, organizations and agencies and to transmit to them all available information in reference to such property, and to aid and assist such institutions, organizations and agencies in every way possible in the consummation of acquisitions or transactions hereunder.

(g) The administrator, in the administration of this chapter, shall cooperate to the fullest extent consistent with the provisions of the act, with the departments or agencies of the United States of America and shall file a state plan of operation, operate in accordance therewith, and take such action as may be necessary to meet the minimum standard prescribed in accordance with the act, and make such reports in such form and containing such information as the United States of America or any of its departments or agencies may from time to time require, and it shall comply with the laws of the United States of America and the rules and regulations of any of the departments or agencies of the United States of

America governing the allocation, transfer, use or accounting for, property donable or donated to the state.

(h) The administrator, with approval of the board of examiners, is authorized to contract with agencies of other states responsible for the handling of surplus property for:

(1) The acquisition, warehousing, and distribution of surplus property on behalf of the state of Idaho and the delivery of surplus property within the state of Idaho; and

(2) The acquisition, warehousing, and distribution of surplus property on behalf of other states and the delivery of surplus property in other states; provided, that any contract negotiated under the authority of this subparagraph (2) shall obligate the other states to pay the cost of the surplus property and the administrative costs incurred in the acquisition, warehousing, and distribution of the surplus property; and

(3) The furnishing of any services to the state of Idaho concerning the acquisition, warehousing, and distribution of surplus property, and the sorting, dividing into lots, crating, preparing for shipment, and any other handling of surplus property for the state of Idaho.

History:

[67-5740, added I.C., sec. 67-5740, as added by 1974, ch. 34, sec. 2, p. 988; am. 1980, ch. 247, sec. 90, p. 652; am. 1994, ch. 176, sec. 8, p. 410.]

How current is this law?

Search the Idaho Statutes and Constitution

State of Idaho
Federal Surplus Property - Invoice

PO BOX 83720
Statehouse Mail, Boise, ID 83720-0086
Telephone: (208) 334-3477
FAX: (208) 454-7645
1-800-722-1629

Invoice Number: 3424
Name of Institution: ADA COUNTY
Address: 200 WEST FRONT ST
City: BOISE
Ordered By: JUSTIN MCCONNELL
Subsidiary No.: 200800100

Sales Date: 06/13/2018

Zip Code: 83702
PO: 061318
County:

State Number	Description	Qty & Unit	Unit Service Charge	Total Service Charge
16-015-0172-49-023	HAMMER, SLIDE 12 Month Restriction	1	\$10.00	\$10.00
16-017-0085-06-069	STORAGE, CONTAINER, PLASTIC 12 Month Restriction	1	\$15.00	\$15.00
16-014-0016-49-021	SHOVEL, ROUND POINT, LONG HANDLE 12 Month Restriction	3	\$10.00	\$30.00
16-014-0016-49-042	DIGGER, HOLE, POST 12 Month Restriction	1	\$15.00	\$15.00
16-018-0122-06-008	CHAIN, HOOK/RING 12 Month Restriction	1	\$65.00	\$65.00

CSR: KING, HATTIE
Government Level: LOCAL
Preference Type: TWO OR MORE PURPOSES

Invoice Amount: \$135.00

The donee certifies and agrees to the terms, conditions, and reservations attached to the invoice. All property will be used in the normal conduct of our agency. Property will be placed into use with 1 year and continued in use for such purposes for required restriction period from the date put into use. If the property is not placed into use within 1 year the donee should immediately notify the SASP and return the property at the expense of the donee.

Signature & Title of Authorized Representative _____ Date _____

(a) THE DONEE CERTIFIES THAT:--

- (1) It is a public agency or a nonprofit institution or organization, exempt from taxation under section 501 of the Internal Revenue code of 1954; within the meaning of section 203(j) of the Federal Property and Administrative Services Act of 1949, as amended, and/or the regulations of the General Services Administration (GSA).
- (2) If a public agency, the property is needed and will be used by the recipient for carrying out or promoting for the residents of a given political area one or more public purposes, or if a nonprofit tax-exempt institution or organization, the property is needed for and will be used by the recipient for educational or public health purposes, including research for any such purpose, or for programs for older individuals, or SBA or SEA organizations, or assistance to homeless/ impoverished. The property is not being acquired for any other use or purpose, or for sale or other distribution; or for permanent use outside the State, except with prior approval of the State agency and GSA.
- (3) Funds are available to pay all costs and charges incident to donation.

(4) This transaction shall be subject to the nondiscrimination regulations governing the donation of surplus personal property issued under Title VI of the Civil Rights Act of 1964, Title VI Section 606 of the Federal Property and Administrative Services Act of 1949, as amended, and Section 504 of the Rehabilitation Act of 1973, as amended, Title IX of the Education Amendments of 1972, as amended, and Section 303 of the Age Discrimination Act of 1975 and the Civil Right Restoration Act of 1987.

(b) THE DONEE AGREES TO THE FOLLOWING FEDERAL CONDITIONS:

- (1) All items of property shall be placed in use for the purpose(s) for which acquired within one year of receipt and shall be continued in use for such purposes for one year from the date the property was placed in use. In the event the property is not so placed in use, or continued in use, the donee shall immediately notify the State agency, and at the donee's expense, return such property to the State agency, or otherwise make the property available for transfer or other disposal by the State agency, provided the property is still usable as determined by the State agency.

(2) such special handling or use limitations as are imposed by General Services Administration (GSA) on any item(s) or property.

- (3) In the event the property is not used or handled as required by (b)(1) and (2), title and right to the possession of such property shall at the option of GSA revert to the United States of America and upon demand the donee shall release such property to such person as GSA or its designee shall direct.

(c) THE DONEE AGREES TO THE FOLLOWING CONDITIONS IMPOSED BY THE STATE AGENCY, APPLICABLE TO ITEMS WITH A UNIT ACQUISITION COST OF \$5,000 OR MORE AND PASSENGER MOTOR VEHICLES, REGARDLESS OF ACQUISITION COST, EXCEPT VESSELS 50 FEET OR MORE IN LENGTH AND AIRCRAFT, FOREIGN GIFTS OR OTHER ITEMS OF PROPERTY REQUIRING SPECIAL HANDLING OR USE LIMITATIONS, REGARDLESS OF THE ACQUISITION COST OR PURPOSE FOR WHICH ACQUIRED:

- (1) The property shall be used only for the purpose(s) for which acquired and for no other purpose(s).

(2) There shall be a period of restriction which will expire after such property has been used for the purpose(s) for which acquired for a period of 18 months from the date the property is placed in use.

- (3) In the event the property is not used as required by (c)(1) and (2) and Federal restrictions (b)(1), (b)(2) and (f) have expired then right to the possession of such property shall at the option of the State agency revert to the State of Texas and the donee shall release such property to such person as the State agency shall direct.

(d) THE DONEE AGREES TO THE FOLLOWING TERMS, RESERVATIONS, AND RESTRICTIONS:

- (1) From the date it receives the property and through period(s) of time the conditions imposed by (b), (c) and (f) remain in effect, the donee shall not sell, trade, lease, lend, bail, cannibalize, encumber, or otherwise dispose of such property, or remove it permanently, for use outside the State, without the prior approval of GSA under (b) and (f), or the State agency under (c) and (f). The proceeds from any sale, trade, lease, loan, bailment, encumbrance or other disposal of the property, when such action is authorized by GSA or by the State agency, shall be remitted promptly by the donee to GSA or the State agency, as the case may be.

(2) In the event any of the property is sold, traded leased, loaned, bailed, cannibalized, encumbered, or otherwise disposed of by the donee from the date it receives the property through the period(s) of time the conditions imposed by (b), (c) and (f) remain in effect, without prior approval of GSA or the State agency, the donee, at the option of GSA or the State agency shall pay to GSA or the State agency, as the case may be, the proceeds of the disposal or the fair market value or the fair rental value of the property at the time of such disposal, as determined by GSA or the State agency.

(3) If at any time, from the date it receives the property through the period(s) of time the conditions imposed by (b), (c) and (f) remain in effect, any of the property is no longer suitable, usable, or further needed by the donee for the purpose(s) for which acquired, the donee shall promptly notify the State agency, and shall, as directed by the State agency, return the property to the State agency, release the property to another donee or another State agency, a department or agency of the United States, sell or otherwise dispose of the property. The proceeds from any sale shall be remitted promptly by the donee to the State agency.

(4) The donee shall make reports to the State agency on the use, condition, and location of the property and on other pertinent matters as may be required time to time by the State agency.

(5) At the option of the State agency, the donee may abrogate the State conditions set forth in (c) and the State terms, reservations, and restrictions pertinent thereto in (d) by payment of any amount as determined by the State agency.

(e) THE DONEE AGREES TO THE FOLLOWING CONDITIONS, APPLICABLE TO ALL ITEMS OF PROPERTY:

(1) The property acquired by the donee is on an "as is, where is" basis, without warranty of any kind, and the Government of the United States of America, the State of Idaho, its agencies or assigns, and employees thereof will be held harmless from any or all debts, liabilities, judgments, costs, demands, suits, actions, or claims of any nature arising from or incident to the donation of the property, its use, or final disposition.

(2) Where a donee carries insurance against damages to or loss of property due to fire or other hazards and where loss of or damage to donated property with unexpired terms, conditions, reservations or restrictions occurs, GSA or the State agency, as the case may be, will be entitled to reimbursement from the donee out of the insurance proceeds, of any amount equal to the unamortized portion of the fair market value of the damaged or destroyed donated items.

(f) THE DONEE AGREES TO THE FOLLOWING ADDITIONAL TERMS AND CONDITIONS APPLICABLE TO THE DONATION OF AIRCRAFT AND VESSELS (50 FEET OR MORE IN LENGTH) HAVING AN ACQUISITION COST OF \$5,000 OR MORE, AND FOREIGN GIFTS OR OTHER ITEMS OF PROPERTY REQUIRING SPECIAL HANDLING OR USE LIMITATIONS, REGARDLESS OF THE ACQUISITION COST OR THE PURPOSE FOR WHICH ACQUIRED:

(1) The donation shall be subject to the additional special terms, conditions, reservations, and restrictions set forth in the Conditional Transfer Document or other agreements executed by the authorized donee representative.

(g) THE DONEE CERTIFIES by signing and submitting this lower tier proposal, the prospective lower tier participant, as defined in 41 CFR105-68, certifies to the best of its knowledge and belief that it and its principals: (a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency. (b) Where the prospective lower tier participant is unable to certify to any of the above, such prospective participant shall attach an explanation to this proposal.

(h) THE DONEE UNDERSTANDS that by execution of this document, it is considered a sub recipient of federal financial assistance pursuant to the Single Audit Act of 1984 and further agrees to provide the State agency with results of the audit required by OMB Circular A-133.