

State of North Dakota
SURPLUS PROPERTY

Central Services Division

A Division of the Office of Management and Budget



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**FEDERAL PROPERTY
User Handbook**

State Agency for Surplus Property

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Purpose

The purpose of this handbook is to provide basic information on the Surplus Property Program in North Dakota. No attempt is made to cover all program requirements and the information presented is subject to change to comply with any new laws, regulations, policies, and procedures.

Law

The Federal Property and Administrative Services Act of 1949 (Public Law 94-519) as amended, authorizes the General Services Administration to allocate federal surplus personal property to state agencies for surplus property. These agencies then distribute this property to any public agency for use in carrying out or promoting for the residents of a given political area one or more public purposes, such as conservation, economic development, education, parks and recreation, public health, and public safety; or to nonprofit educational or public health institutions or organizations such as medical institutions, hospitals, clinics, health centers, schools, colleges, universities, schools for the mentally and physically handicapped, child care centers, providers of services to the homeless, elderly, indigent, or SBA donees and SEA donees within the state on a fair and equitable basis.

The North Dakota State Agency for Surplus Property operates under Section 54-44-04.5 and 54-44-04.6 of the North Dakota Century Code.

Terms and Definitions

Accredited - Approval by a recognized accrediting board or association on a regional, state, or national level, such as a state board of education or health; the American Hospital Association, a regional or national accrediting association for universities, colleges, or secondary schools; or another recognized accrediting association.

Acquisition Cost - Price the government paid for the property when it was new (not the service and handling charge assessed by Surplus Property).

Approved - Recognition and approval by the state department of education, state department of health, or other appropriate authority where no recognized accrediting board, association, or other authority exists for the purpose of making an accreditation. For an educational institution or an educational program, approval must relate to academic or instructional standards established by the appropriate authority. An educational institution or program may be considered approved if

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its instruction and credits therefor are accepted by three accredited or state-approved institutions, or if it meets the academic or instructional standards prescribed for public schools in the state; i.e., the organizational entity or program is devoted primarily to approved academic, vocational (including technical or occupational), or professional study and instruction, which operates primarily for educational purposes on a full-time basis for a minimum school year as prescribed by the state and employs a full-time staff of qualified instructors. For a public health institution or program, approval must relate to the medical requirements and standards for the professional and technical services of the institution established by the appropriate authority. A health institution or program may be considered as approved when a state body having authority under law to establish standards and requirements for public health institutions renders approval thereto whether by accreditation procedures or by licensing or such other method prescribed by state law.

In the absence of an official state approving authority for a public health institution or program or educational institution or program, the awarding of research grants to the institution or organization by a recognized authority such as the National Institutes of Health, the National Institute of Education, or by similar national advisory council or organization may constitute approval of the institution or program provided all other criteria are met.

Cannibalization - Dismantling or stripping property or equipment parts for use in repairing or rebuilding other property.

Child Care Center - A public or nonprofit facility where educational, social, health, and nutritional services are provided to children through age 14 or as prescribed by state law, and which is approved or licensed by the state or other appropriate authority as a child daycare center or child care center.

Clinic - An approved public or nonprofit facility organized and operated for the primary purpose of providing outpatient public health services and includes customary related services such as laboratories and treatment rooms.

College - An approved or accredited public or nonprofit institution of higher learning offering organized study courses and credits leading to a baccalaureate or higher degree.

Conservation - A program or programs carried out or promoted by a public agency for public purposes involving directly or indirectly the protection, maintenance, development, and restoration of the natural resources of a given political area. These resources include but are not limited to the air, land, forests, water, rivers, streams, lakes, ponds, minerals, animals, fish, and other wildlife.

Distribution Center - Surplus Property warehouse.

Distribution Document - Document used by SASP customer service representatives to list those items selected and therefore charged to the donee organization.

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Donation Program - The stage in the federal property disposal system in which property is available for the state to screen. It is called donation because the federal government donates the property to the state but the state is responsible for all costs connected to the acquisition and distribution of the property, such as freight, salaries, rent, utilities, etc.

Donee - Organizations/agencies eligible to acquire federal surplus property (Surplus Property customers).

DRMO - Defense Reutilization and Marketing Office. The site at a military installation where surplus property is disposed.

Economic Development - A program or programs carried out or promoted by a public agency for public purposes which involve directly or indirectly efforts to improve the opportunities of a given political area for the successful establishment or expansion of industrial, commercial, or agricultural plans or facilities and which otherwise assist in the creation of long term employment opportunities in the area or primarily benefit the unemployed or those with low incomes.

Education - A program or programs to develop and promote the training, general knowledge, or academic, technical, and vocational skills and cultural attainments of individuals in a community or other given political area. These programs may be conducted by schools, including preschool activities and child care centers, colleges, universities, schools for the mentally challenged or physically impaired, educational radio and television stations, libraries, or museums. Public educational programs may include public school systems and supporting facilities such as centralized administrative or service facilities.

Educational Institution - An approved, accredited, or licensed public or nonprofit institution, facility, entity, or organization conducting educational programs, including research for any such programs, such as a child care center, school, college, university, school for the mentally retarded, school for the physically handicapped, or an educational radio or television station.

Educational Radio Station - A radio station licensed by the Federal Communications Commission and operated exclusively for noncommercial educational purposes and which is public or nonprofit and tax exempt under section 501 of the Internal Revenue Code of 1986.

Educational Television Station - A television station licensed by the Federal Communications Commission and operated exclusively for noncommercial educational purposes and which is public or nonprofit and tax exempt under section 501 of the Internal Revenue Code of 1986.

GSA - General Services Administration. The federal agency which supervises the administration of the Donation Program in the states.

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Health Center - An approved public or nonprofit facility utilized by a health unit for the provision of public health services, including related facilities such as diagnostic and laboratory facilities and clinics.

Homeless Individual - An individual who lacks a fixed, regular, and adequate nighttime residence, or who has a primary nighttime residence that is: (1) a supervised publicly or privately operated shelter, designed to provide temporary living accommodations (including welfare hotels, congregate shelter, and transitional housing for the mentally ill); (2) an institution that provides a temporary residence for individuals intended to be institutionalized; or (3) a public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings. For purposes of this regulation, the term does not include any individual imprisoned or otherwise detained pursuant to an act of the Congress or a state law.

Hospital - An approved or accredited public or nonprofit institution providing public health services primarily for inpatient medical or surgical care of the sick and injured and includes related facilities such as laboratories, outpatient departments, training facilities, and staff offices.

Library - A public or nonprofit facility providing library services free to all residents of a community, district, state, or region.

Licensed - Recognition and approval by the appropriate state or local authority approving institutions or programs in specialized areas. Licensing generally relates to established minimum public standards of safety, sanitation, staffing, and equipment as they relate to the construction, maintenance, and operation of a health or educational facility, rather than to the academic, instructional, or medical standards for these institutions. Licensing may be required for educational or public health programs such as occupational training, physical or mental health rehabilitation services, or nursing care. Licenses frequently must be renewed at periodic intervals.

Medical Institution - An approved, accrediting, or licensed public or nonprofit institution, facility, entity, or organization the primary function of which is the furnishing of public health and medical services to the public at large or promoting public health through the conduct of research for any such purposes, experiments, training, or demonstrations related to cause, prevention, and methods of diagnosis and treatment of diseases and injuries. The term includes but is not limited to hospitals, clinics, alcohol and drug abuse treatment centers, public health or treatment centers, research and health centers, geriatric centers, laboratories, medical schools, dental schools, nursing schools, and similar institutions. The term does not include institutions primarily engaged in domiciliary care although a separate medical facility within such as a domiciliary institution may qualify as a "medical institution."

Museum - A public or private nonprofit institution which is organized on a permanent basis

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essentially for educational or esthetic purposes and which, using a professional staff, owns or uses tangible objects, whether animate or inanimate; cares for these objects; and exhibits them to the public on a regular basis either free or at a nominal charge. As used in this section, the term "museum" includes, but is not limited to, the following institutions if they satisfy all other provisions of this section: aquariums and zoological parks; botanical gardens and arboretums; museums relating to art, history, natural history, science, and technology; and planetariums. For the purposes of this section, an institution uses a professional staff if it employs full time at least one qualified staff member who devotes his or her time primarily to the acquisition, care, or public exhibition of objects owned or used by the institution. This definition of museum does not include any institution which exhibits objects to the public if the display or use of the objects is only incidental to the primary function of the institution. For example, an institution which engaged primarily in the sale of antiques, objects of art, or other artifacts and which incidentally provides displays to the public of animate or inanimate objects, either free or at a nominal charge, does not qualify as a museum.

Nonprofit Tax-Exempt Activity - An institution or organization which has been determined to be tax-exempt under the provisions of section 501 of the Internal Revenue Code of 1986.

Park and Recreation - A program or programs carried out or promoted by a public agency for public purposes which involve directly or indirectly the acquisition, development, improvement, maintenance, and protection of park and recreational facilities for the residents of a given political area. These facilities include but are not limited to parks, playground and athletic fields, swimming pools, golf courses, nature facilities, and nature trails.

Programs for Older Individuals - Any state or local governmental agency or any nonprofit tax-exempt activity which receives funds appropriated for programs for older individuals under the Older Americans Act of 1965, as amended, under Title IV or Title XX of the Social Security Act, or under Titles VIII and X of the Economic Opportunity Act of 1964 and the Community Services Block Grant Act.

Provider of Assistance to Homeless Individuals - A public agency or a nonprofit, tax-exempt institution or organization that operates a program which provides assistance such as food, shelter, or other services to homeless individuals. Property acquired through the donation program by such institutions or organizations must be used primarily for the program(s) operated to assist homeless individuals.

Public Health - A program or programs to promote, maintain, and conserve the public's health by providing health services to individuals and/or by conducting research, investigations, examinations, training, and demonstrations. Public health services may include but are not limited to the control of communicable diseases, immunization, maternal and child health programs, sanitary engineering, sewage treatment and disposal, sanitation inspection and supervision, water purification and distribution, air pollution control, garbage and trash disposal,

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and the control and elimination of disease-carrying animals and insects.

Public Health Institution - An approved, accredited, or licensed public or nonprofit institution, facility, entity, or organization conducting a public health program or programs such as a hospital, clinic, health center, or medical institution, including research for any such program, the services of which are available to the public at large.

Public Safety - A program or programs carried out or promoted by a public agency for public purposes involving, directly or indirectly, the protection, safety, law enforcement activities, and criminal justice system of a given political area. Public safety programs may include but are not limited to those carried out by public police departments, sheriffs' offices, the courts, penal and correctional institutions and including juvenile facilities, state and civil defense organizations, and fire departments and rescue squads including volunteer fire departments and rescue squads supported in whole or in part with public funds.

Public Purpose - A program or programs carried out by a public agency which are legally authorized in accordance with the laws of the state or political subdivision thereof and for which public funds may be expended. Public purposes include but are not limited to programs such as conservation, economic development, education, parks and recreation, public health, and public safety.

Restricted Period - The minimum period of time donee organizations are required to use property.

SASP - State Agency for Surplus Property.

SBA Donees - Small Business Administration, Section 8 (a) eligible donees, qualified and controlled by the Small Business Administration.

School - (Except schools for the mentally challenged and schools for the physically impaired) Means a public or nonprofit approved or accredited organizational entity devoted primarily to approved academic, vocational, or professional study and instruction, which operates primarily for education purposes on a full-time basis for a minimum school year and employs a full-time staff of qualified instructors.

School for the Mentally Challenged - A facility or institution operated primarily to provide specialized instruction for students of limited mental capacity. It must be public or nonprofit and must operate on a full-time basis for the equivalent of a minimum school year prescribed for public school instruction for the mentally challenged, have a staff of qualified instructors, and demonstrate that the facility meets the health and safety standards of the state or local governmental body.

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School for the Physically Impaired - A school organized primarily to provide specialized instruction to students whose physical impairments necessitate individual or group instruction. The school must be public or nonprofit and operate on a full-time basis for the equivalent of a minimum school year prescribed for public school instruction for the physically impaired, have a staff of qualified instructors, and demonstrate that the facility meets the health and safety standards of the state or local governmental body.

Screening - The process by which property is selected from that available for donation screening. It is done either by viewing the property on-site at the holding agency or from various listings received by the SASP.

SEA Donees - Service Educational Activity donees, national service and/or educational organizations that have been determined eligible to receive Department of Defense surplus property. Examples are Boy Scouts/Girl Scouts, American Red Cross, and Salvation Army.

Service and Handling Charge (s&h) - The price assessed on the property by the SASP.

University - A public or nonprofit approved or accredited institution for instruction and study in the higher branches of learning and empowered to confer degrees in special departments or colleges.

Application Process

An organization may obtain an Eligibility Application Form, SFN 17726, by contacting the SASP or it can be downloaded from the web.

To download a copy of the Eligibility Application online, visit:

<http://www.nd.gov/eforms/Doc/sfn17726%20&%2054201%20Combined.pdf>.

The following documentation is reviewed to determine eligibility.

1. Completed Form #SFN 17726, Eligibility Application.
2. A comprehensive written description of all programs or services provided.
3. If incorporated, include a complete copy of articles of incorporation with all filing certificates and amendments, and a copy of your current by-laws.

Notification of Approval/Rejection

The applicant organization will be notified in writing of the decision regarding eligibility. Upon notification of approval, an account is set up and the applicant is now a donee.

Shopping at Surplus Property

State and federal property is displayed on shelves and priced -- supermarket style and is available to all eligible organizations. Selected items are written up on a distribution document by a customer service representative. An authorized representative of the donee organization signs the document and receives a copy as a receipt. The property can then be removed by the donee.

Billing

Property is invoiced and billed to the donee organization as the property is removed. Statements are mailed monthly and are payable upon receipt.

Authorized Representatives

Before anyone can sign for property at the SASP, they must be authorized by their organization.

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The administrative official designates authorized representatives by submitting a completed Authorized Representative Form, SFN 17726, to Surplus Property. The form must be signed by the administrative official and by everyone listed on it. All signatures must be original.

A donee may submit an authorized representative form any time it is necessary to make changes. A new form must be submitted when there is a change in the administrative official.

It is **IMPERATIVE** that the SASP be notified promptly of any changes that will affect the status of the authorized representatives. The authorized representatives are welcome to visit the warehouse as often as they wish.

Eligibility

Eligibility files are maintained for each donee and are updated periodically according to the Federal Property Management Regulations. Failure to comply with requests for update information may result in a donee's eligibility to acquire property being deferred.

Service and Handling Charge

Even though the SASP is a state agency, no state funds are appropriated for operation; therefore necessitating the assessment of a service and handling charge for the property. This charge is based on the acquisition cost of the property, condition of the property, overhead costs, and other costs (i.e. transportation, refurbishing costs).

Service and handling charges must be paid by check or purchase card from the donee organization. Personal checks, money orders, cashiers checks, or cash cannot be accepted.

SBA donees must pay with check, cash or money order at the time the property is selected. The SBA donee will not be allowed to remove property prior to payment.

Compliance and Utilization Procedures

The terms and conditions applicable to federal surplus property are outlined below. Failure to comply violates federal statute which constitutes a criminal offense.

1. There must be a legitimate need for the property by the donee organization, and it must be used for the purpose or purposes for which acquired. Property cannot be taken for personal use or with the intent of holding it for the restricted period, then using it for personal purposes or selling the property.

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2. Property must be put into use within one year of acquisition. The restricted period does not begin until the property has been put into use and may be adjusted if the property is only used seasonally.
3. Non-expendable items with an original acquisition cost under \$5,000 must be used for a minimum of one (1) year. Property is to be used by the donee organization as long as it is usable and/or there is a need.
4. Property with an original acquisition cost of \$5,000 or more and all vehicles must be put into use within one (1) year of receipt and used for a minimum of eighteen (18) months thereafter. The property is to be used by the donee organization as long as it is usable and/or there is a need.
5. The property shall not be sold, traded, loaned, or leased, within the restricted period.
6. Cannibalization shall not occur without prior written approval from the SASP.

Utilization Procedures

1. The donee will receive a Utilization Questionnaire, SFN 2788, approximately ninety (90) days after receipt of the property. The donee organization is to complete and return the questionnaire within fifteen (15) days, regardless of whether or not the property has been put into use. A utilization questionnaire will be mailed approximately every ninety (90) days until the property has been placed into use or is ready for use. For example, a generator that is ready for use but is never actually used would meet the requirements of this restriction.
2. The twelve (12) to eighteen (18) month restricted period begins on the date the item was **PLACED INTO USE**, which is indicated by the donee organization.
3. A final utilization questionnaire is mailed to the donee at the end of the restricted period. Upon receipt of the final questionnaire by the SASP and at the end of the restricted period, full title is then passed to the donee organization. If the donee organization finds the property irreparable after receipt or it becomes unusable during the restricted period, the SASP must be notified in writing requesting proper disposal. If the SASP grants the authority to dispose of the property, the disposal will be handled in the most feasible manner possible for both parties.

Cannibalization Procedures

1. The donee will receive the Cannibalization Questionnaire Form, SFN 51957, approximately ninety (90) days after receipt of the property. The donee organization is to complete and return the questionnaire within fifteen (15) days whether or not cannibalization has begun. A cannibalization questionnaire will be mailed approximately every ninety (90) days until the property has begun to be cannibalized.
2. The twelve (12) to eighteen (18) month restricted period begins on the date the

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- cannibalization of the property has begun, which is indicated by the donee organization.
3. A final cannibalization questionnaire is mailed to the donee organization at the end of the restricted period. At the end of the restricted period, and upon receipt of the completed final cannibalization questionnaire by the SASP, full title of the property is passed to the donee organization.
 4. The donee is to continue to cannibalize the property until the requirement for parts no longer exists. If the available parts are gone before the restricted period is up, the donee may:
 - a. Keep the remaining property (residue) for use in other eligible areas of the donee's operation.
 - b. If the fair market value is less than five hundred dollars (\$500), the donee may dispose of the residue with permission from the SASP. Proceeds received from the sale of residue are to be deposited into the account from which the equipment was originally purchased.
 - c. Return the residue to the SASP.

Hold/Sold Policy

A blue "hold" tag will hold property for an interested donee organization for a period of five (5) working days. If there is no response in that time, the property will be released.

A red "sold" tag means that the item has been signed for by an authorized representative of the donee organization. The donee then has 14 days to remove the property. Property not picked up in that time will be returned to inventory for re-distribution with no credit or refund of any monies paid. Donee organizations are encouraged to pick up property as soon as possible, as sold tags can be lost or pulled from the property.

Return Policy

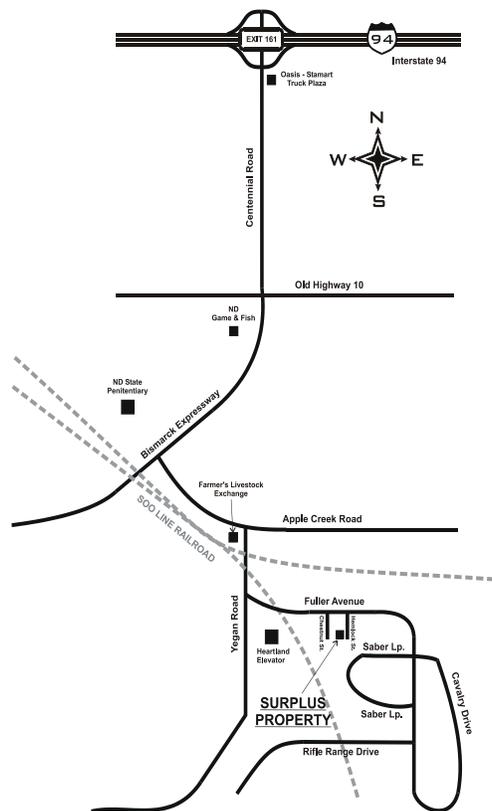
Returns for items \$50 and under will not be allowed. A credit for the service and handling charge paid, not a refund, will be issued according to the following schedule:

- 1 - 15 days - 100%
- 16 - 30 days - 75%
- 31 - 45 days - 50%
- After 45 days - 0%

Location of SASP Warehouse

The SASP warehouse is located in the Igoe Industrial Park, Building 12, Bismarck, N.D. See the map and directions below indicating the location in relation to I-94.

- From I94, Exit 161, go south 2.2 miles on Centennial Road/Bismarck Expressway.
- Turn left onto Yegen Road. After you cross the railroad tracks, turn left onto the first gravel road, Fuller Avenue. Note: You will see a red sign with white writing that says, “North Dakota State Surplus Property, Turn here.”
- Turn right onto Hemlock St. Note: You will see a red sign with white writing that says, “North Dakota State Surplus Property.”
- Surplus Property is located in the last row of grey concrete buildings on the right. Note: You will see a red sign with white writing that says, “North Dakota State Surplus Property.”



Forms

Eligibility Application, Authorized Representatives, Nondiscrimination Assurance, Compliance and Utilization Certification and Agreement SFN 17726

<http://www.nd.gov/eforms/Doc/sfn17726%20&%2054201%20Combined.pdf>

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Instructions for Completing the Authorized Representative (Page 2 of the Eligibility Application)

Name of Organization: Same as on page 1 of the application.

Mailing Address (P.O. Box # and Street): If the mailing address is a post office box, a street must be provided. If there is not a street address, a description of the organization's physical location must be provided, i.e. second building south of the courthouse.

City: List the city.

State: List the state.

Zip: List the zip code.

Location: Complete if you do not have a street address.

County: List the county you are located in.

Telephone Number: List your telephone number.

Fax Number: List your fax number.

Typed or Printed Name of Administrative Official: List the name of the person authorizing the individuals listed to sign for property.

Signature of Authorized Official: The form must be signed by the authorized official of the organization. Only the original will be accepted.

Title: List the title of the authorized official.

Date: List the date the authorized official signed this form.

One of the three blocks indicating new designations, or additional designations, or a delete must be checked.

Representatives: List the people to be authorized, their titles/e-mail addresses, and obtain signatures.

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Instructions for Completing the Nondiscrimination Assurance (Page 3 of the Eligibility Application)

Donee (Name of Agency/Organization): Use the same name as on page 1 of the form.

Signature of Administrative Official: Signature of authorized official.

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Instructions for Completing the Certification and Agreement (Page 4 of the Eligibility Application)

Signature of Administrative Official: Signature of authorized official.

Donee Organization: Same as on Page 1 of the application.

Forms not completed according to these instructions will be returned.

Return the original completed application to:
North Dakota State Surplus Property
600 E Boulevard Ave Dept 15
Bismarck, ND 58505

Utilization Questionnaire SFN 2788

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Instructions for Completing the Utilization Questionnaire SFN 2788

TO: Completed by SASP staff.

Date: Completed by SASP staff.

Item Description, including model and serial number: Completed by SASP staff.

Order Number: Completed by SASP staff.

What is the general condition of the item now? List the general condition the item is in now.

Item Number: Completed by SASP staff.

Date Issued: Completed by SASP staff.

Date item was put into use? List the date the item was put into use.

Distribution Document Number: Completed by SASP staff.

If item is not in use, when do you anticipate it will be? List the date you anticipate using the item if it currently is not being used.

Do you have further need for this item: Check yes or no and list an explanation.

Unit Acquisition Cost: Completed by SASP staff.

Your comments on your use of this item: List your comments on your use of the item.

Service Charge: Completed by the SASP.

Person to contact for information: List the contact person.

Location of Property: State the exact location of the equipment at the time this form is being completed.

Telephone: Phone number of the contact person.

Signature of person completing this questionnaire: Signature of the person completing the form.

Title: Title of the person completing the form.

Date: Date the form was completed.

Cannibalization Questionnaire SFN 51957

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Instructions for completing the Cannibalization Questionnaire SFN 51957

TO: Completed by SASP staff.

Date: Completed by SASP staff.

Item description, including model and serial number: Completed by the SASP.

Inventory Number: Completed by SASP staff.

Date Cannibalization Was Started: List the date the cannibalization has begun.

Item Number: Completed by SASP staff.

Date Issued: Completed by SASP staff.

What is the unit being cannibalized for: List the property the cannibalized parts are being used for.

Distribution Document No.: Completed by SASP staff.

Do you have further need for this item: List if you will be needing the item further.

When do you anticipate cannibalization will be complete: List when you anticipate completing the cannibalization.

Unit Acquisition Cost: Completed by SASP staff.

Your comments on the cannibalization of this item: List comments on your use of the item.

Service Charge: Completed by the SASP.

Person to contact for information: List the contact person.

Location of Property: List the location of the property.

Telephone: List the phone number of the contact person.

Signature of person completing the questionnaire: Signature of the person completing the form.

Title: List the title of the person completing the form.

Date: Date the form was completed.