

- 102–38.120 When may we conduct negotiated sales of personal property at fixed prices (fixed price sale)?
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Advertising

- 102–38.130 Must we publicly advertise sales of Federal personal property?
- 102–38.135 What constitutes a public advertisement?
- 102–38.140 What must we include in the public notice on sale of personal property?

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- 102–38.145 Must we allow for inspection of the personal property to be sold?
- 102–38.150 How long is the inspection period?

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- 102–38.155 What is an offer to sell?
- 102–38.160 What must be included in the offer to sell?
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Subpart C—Bids

Buyer Eligibility

- 102–38.170 May we sell Federal personal property to anyone?
- 102–38.175 How do we find out if a person or entity has been suspended or debarred from doing business with the Government?
- 102–38.180 May we sell Federal personal property to a Federal employee?
- 102–38.185 May we sell Federal personal property to State or local governments?

Acceptance of Bids

- 102–38.190 What is considered a responsive bid?
- 102–38.195 Must bidders use authorized bid forms?
- 102–38.200 Who may accept bids?
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- 102–38.210 What happens when bids have been rejected?
- 102–38.215 When may we disclose the bid results to the public?
- 102–38.220 What must we do when the highest bids received have the same bid amount?
- 102–38.225 What are the additional requirements in the bid process?

Bid Deposits

- 102–38.230 Is a bid deposit required to buy personal property?
- 102–38.235 What types of payment may we accept as bid deposits?
- 102–38.240 What happens to the deposit bond if the bidder defaults or wants to withdraw his/her bid?

Late Bids

- 102–38.245 Do we consider late bids for award?
- 102–38.250 How do we handle late bids that are not considered?

Modification or Withdrawal of Bids

- 102–38.255 May we allow a bidder to modify or withdraw a bid?

Mistakes in Bids

- 102–38.260 Who makes the administrative determinations regarding mistakes in bids?
- 102–38.265 Must we keep records on administrative determinations?
- 102–38.270 May a bidder protest the determinations made on sales of personal property?

Subpart D—Completion of Sale Awards

- 102–38.275 To whom do we award the sales contract?
- 102–38.280 What happens when there is no award?

Transfer of Title

- 102–38.285 How do we transfer title from the Government to the buyer for personal property sold?

Payments

- 102–38.290 What types of payment may we accept?

Disposition of Proceeds

- 102–38.295 May we retain sales proceeds?
- 102–38.300 What happens to sales proceeds that we are not authorized to retain or that are unused?

Disputes

- 102–38.305 How do we handle disputes involved in the sale of Federal personal property?
- 102–38.310 Are we required to use the Disputes clause in the sale of personal property?
- 102–38.315 Are we required to use Alternative Disputes Resolution for sales contracts?

Subpart E—Other Governing Statutes

- 102–38.320 Are there other statutory requirements governing the sale of Federal personal property?

Antitrust Requirements

- 102–38.325 What are the requirements pertaining to antitrust laws?

Subpart F—Reporting Requirements

- 102–38.330 Are there any reports that we must submit to the General Services Administration?
- 102–38.335 Is there any additional personal property sales information that we must submit to the General Services Administration?

Subpart G—Provisions for State and Local Governments

- 102–38.340 How may we sell personal property to State and local governments?
- 102–38.345 Do we have to withdraw personal property advertised for public sale if a State Agency for Surplus Property wants to buy it?
- 102–38.350 Are there special provisions for State and local governments regarding negotiated sales?
- 102–38.355 Do the regulations of this part apply to State Agencies for Surplus Property (SASPs) when conducting sales?

Authority: 40 U.S.C. 545 and 40 U.S.C. 121(c).

Subpart A—General Provisions

§ 102–38.5 What does this part cover?

This part prescribes the policies governing the sale of Federal personal property, including—

(a) Surplus personal property that has completed all required Federal and/or donation screening; and

(b) Personal property to be sold under the exchange/sale authority.

Note to § 102–38.5: You must follow additional guidelines in 41 CFR parts 101–42 and 101–45 of the Federal Property Management Regulations (FPMR) for the sale of personal property that has special handling requirements or property containing hazardous materials. Additional requirements for the sale of aircraft and aircraft parts are provided in part 102–33 of this chapter.

§ 102–38.10 What is the governing authority for this part?

The authority for the regulations in this part governing the sale of Federal personal property is 40 U.S.C. 541 through 548, 571, 573 and 574.

§ 102–38.15 Who must comply with these sales provisions?

All executive agencies must comply with the provisions of this part. The legislative and judicial branches are encouraged to follow these provisions.

§ 102–38.20 Must we follow the regulations of this part when selling all personal property?

Generally, yes, you must follow the regulations of this part when selling all personal property; however—

(a) Materials acquired for the national stockpile or supplemental stockpile, or materials or equipment acquired under section 303 of the Defense Production Act of 1950, as amended (50 U.S.C. App. 2093) are excepted from this part;

(b) The Maritime Administration, Department of Transportation, has jurisdiction over the disposal of vessels of 1,500 gross tons or more and determined by the Secretary to be merchant vessels or capable of conversion to merchant use;

(c) Sales made by the Secretary of Defense pursuant to 10 U.S.C. 2576 (Sale of Surplus Military Equipment to State and Local Law Enforcement and Firefighting Agencies) are exempt from these provisions; and

(d) Foreign excess personal property is exempt from these provisions.

§ 102–38.25 To whom do “we”, “you”, and their variants refer?

Unless otherwise indicated, use of pronouns “we”, “you”, and their variants throughout this part refer to the holding agency responsible for the sale of the property.