

| [NODIS Library](#) | [Property, Supply and Equipment\(4000s\)](#) | [Search](#) |



NASA Procedural Requirements

COMPLIANCE IS MANDATORY

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Request Notification of Change (NASA Only)

Subject: NASA Personal Property Disposal Procedural Requirements (Revalidated 2/17/06 with Change 1)

Responsible Office: Logistics Management Division

| [TOC](#) | [Change](#) | [Preface](#) | [Chapter1](#) | [Chapter2](#) | [Chapter3](#) | [Chapter4](#) |
[Chapter5](#) | [Chapter6](#) | [Chapter7](#) | [Chapter8](#) | [Chapter9](#) | [AppendixA](#) |
[AppendixB](#) | [AppendixC](#) | [AppendixD](#) | [AppendixE](#) | [ALL](#) |

Chapter 5. Sale of Federal Government Personal Property

5.1. Background

This chapter sets forth the requirements for NASA-owned surplus and exchange/sales personal property to be sold. This chapter will also outline the procedures to ensure compliance and uniformity to protect the integrity of the Federal Government sales processes.

5.2. Designation

5.2.1. Each NASA PDO determines whether to have GSA conduct the sale of NASA-owned surplus and exchange/sale personal property or to have NASA or its agent conduct the sale. This determination is made based on performance to achieve the most return of sales proceeds while achieving timely and cost-efficient sales of NASA-owned property. If NASA or its agent conducts the sale, the Center Director must appoint a Government official as the Sales Contracting Officer.

5.2.2. Notice of each designation will be forwarded to the NASA Headquarters, Security, Logistics, Aircraft and Industrial Relations Division, and will include name of designee, mailing and electronic mail addresses, facsimile, and telephone numbers.

5.3. Authority

All sales of NASA-owned surplus and exchange/sale personal property must follow the provisions of Federal Property Management Regulations 41 CFR 101-45, whether the sale is conducted by GSA, NASA, or NASA agent. To ensure inclusion of appropriate terms, conditions, and clauses in Government sales contracts, no deviation shall be made from the Standard Form 114 series, and no special conditions of sales shall be included that are inconsistent with the provisions therein, unless deviation is obtained from GSA via the NASA Headquarters, Security, Logistics, Aircraft, and Industrial Relations Division.

5.4. Guidance Information

5.4.1. Normally, sales are conducted by competitive bid processes, including sealed bid, spot bid, or auction. NASA has obtained GSA approval for a deviation under Federal Property Management Regulations 41 CFR 101-45.304(b) to conduct negotiated sales at fixed prices, sometimes referred to as "retail sales," for specific limited types of property as listed in section 5.6 of this chapter. Scrap property cannot be sold by fixed price.

Subsection 20(c) of the Federal Property and Administrative Services Act of 1949 limits negotiated sales to \$500 on exchange/sale property, and subsection 203(e) (3) of the Property Act limits negotiated sales to \$15,000 on surplus personal property.

5.4.2. All sales of NASA property must be conducted in a manner that is fair and equitable for all potential buyers. Restriction of NASA employees and contractor individuals having access to NASA property records, or that have been involved in the administration or termination of contractor inventory, maintenance, use, inspection, and/or support of property before or during the disposal or sales process, may be necessary because they possess knowledge that may result in, or be perceived to give, an unfair advantage if they were allowed to participate in personal property sales. To assure fairness and equity and adequate internal controls for each sale of surplus or exchange/sale of NASA property, the Center SEMO, after consultation with Center counsel, will establish and define the specific categories of NASA employees and NASA contractor employees restricted from participation, without regard for who conducts the sale, e.g., GSA, NASA, NASA's agent, or Department of Defense. The term employee may include an agent or immediate member of the household of the employee. Notice of each restricted group will be forwarded to the sales activity, as well as to the NASA Headquarters, Security, Logistics, Aircraft, and Industrial Relations Division.

5.4.3. Each sale of Government-owned surplus or exchange/sale personal property is a Government contract. Therefore, the methods and procedures for the proper conduct of Government sales constitute an extensive and complicated process requiring complete training and knowledge of Federal Governmentwide sales regulations, procedures, and Federal contract, dispute-resolution and debarment process. At a minimum, the Government official appointed as the NASA Sales Contracting Officer should successfully complete the GSA "Personal Property Sales" 2-week course. Additionally, it is recommended that the following four courses also be successfully completed: Basic Property Management Technique, Personal Property Utilization and Disposal, Disposal by Negotiation, and Contracting by Sealed Bidding, at least every 5 years.

5.4.4. For NASA or NASA agent-conducted sales, the PDO establishes the appropriate reviewing authority as required per the Federal Property Management Regulations 41 CFR 101-45.304-6. Approval by the reviewing authority is required for NASA or NASA agent-conducted sales when the sales proceeds are one of the following: (1) negotiated sale of surplus property of \$15,000 or more; (2) negotiated sale at fixed-price surplus or exchange/sale property of \$25,000 or more; or (3) competitive bid sale of \$100,000 or more.

5.4.5. Whenever an award is proposed to any private interest of personal property with a fair market value of \$3 million or more, or of a patent, process, technique, or invention, irrespective of cost, the selling agency shall promptly notify the Attorney General and the Administrator of GSA, simultaneously, of the proposed disposal and the probable terms and conditions thereof. Upon request of the Attorney General, the agency shall furnish or cause to be furnished to the Attorney General such additional information as the agency may possess concerning the proposed disposition. The Attorney General will advise the agency and the Administrator of GSA within a reasonable time, in no event to exceed 60 days after receipt of notification, whether as far as the Attorney General can determine, the proposed disposition would tend to create or maintain a situation inconsistent with antitrust laws. The agency shall not effect disposition until it has received such advice. The agency shall include in the notification transmitted to the Attorney General and the Administrator of General Services, the following information:

(1) Location and description of property, specifying the tonnage, if scrap.

(2) Proposed sale price of property, explaining the circumstances, if proposed purchaser is not the highest bidder.

(3) Acquisition cost of the Government property.

(4) Manner of sale, indicating whether by (a) Sealed Bid, specifying number of purchasers solicited and bids received, (b) Auction or Spot Bid, stating how sale was advertised, or (c) Negotiation, explaining why property was not offered for sale by competitive bid.

(5) Proposed purchaser's name, address, and trade name, if any, under which it is doing business.

(6) If a corporation, give name of State and date of incorporation, and name and address of (a) each partner; (b) each subsidiary; and (c) each company under common control with proposed purchaser.

5.5. NASA Sales Contracting Officer Responsibilities

The following are responsibilities of the Sales Contracting Officer:

(1) Execute and administer NASA and Federal Government sales contracts.

(2) Act as Sales Contracting Officer under Federal laws and regulations.

(3) Exercise reasonable care, skills, and judgment.

(4) Ensure that adequate price competition has been obtained prior to making awards.

(5) Personally sign all contracts, modifications, and changes. Contractual documents will not be signed by facsimile stamps or other reproductive means.

(6) Maintain constant cognizance with respect to contract compliance by the purchaser and Government representatives.

(7) Report to higher authority, at a minimum, the SEMO of any items or activities required by law, regulation, or by the terms of the contract.

(8) Review appeals claims, and disputes; prepare findings and determinations; accomplish all administrative actions; and coordinate such matters with the SEMO and other appropriate authorities.

(9) Report all matters relating to fraud or criminal conduct according to applicable Federal and NASA regulation.

5.6. GSA-Approved Federal Supply Group Classes for Fixed-Price Sales by the National Aeronautics and Space Administration

The following Federal Supply Group Classes have been approved by GSA for Fixed-Price Sales by NASA:

22 Ground effect vehicles, motor vehicles, trailers, and cycles

36 Special industry machinery

40 Rope, cable, chain, and fittings

41 Refrigeration, air conditioning, and air-circulating equipment

47 Pipe, tubing, hose, and fittings

51 Hand tools

52 Measuring tools

53 Hardwood and abrasives

54 Prefabricated structures and scaffolding

55 Lumber, millwork, plywood, and veneer

56 Construction and building materials

58 Communication, detection, and coherent radiation equipment

59 Electrical and electronic equipment components

61 Electrical wire and power and distribution equipment
62 Lighting fixtures and lamps
66 Instruments and laboratory equipment
67 Photographic equipment
70 Automatic data processing equipment, software, supplies, and support equipment
71 Furniture
74 Office machines, text processing systems, and visible record equipment
75 Office supplies and devices
76 Books, maps, and other publications
93 Nonmetallic fabricated materials
95 Metal bars, sheets, and shapes

| [TOC](#) | [Change](#) | [Preface](#) | [Chapter1](#) | [Chapter2](#) | [Chapter3](#) |
[Chapter4](#) | [Chapter5](#) | [Chapter6](#) | [Chapter7](#) | [Chapter8](#) | [Chapter9](#) |
[AppendixA](#) | [AppendixB](#) | [AppendixC](#) | [AppendixD](#) | [AppendixE](#) |
[ALL](#) |

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