

Eligibility to Use GSA Sources of Supply and Services

GENERAL SERVICES ADMINISTRATION
Washington, DC 20405
ADM 4800.2E
January 3, 2000

GSA ORDER

SUBJECT: Eligibility to Use GSA Sources of Supply and Services

1. Purpose. This Order provides definitions and listings of agencies and other activities authorized to use GSA sources of supply and services. It also provides definitive guidelines concerning eligibility requirements.

2. Cancellation. ADM 4800.2D is canceled.

3. Background. Section 201 of the Federal Property and Administrative Services Act of 1949, as amended (the Property Act) authorizes the Administrator of General Services (Administrator) to procure and supply personal property and non-personal services for executive agencies and other Federal agencies, mixed-ownership Government corporations as identified in the Government Corporation Control Act, the District of Columbia, and qualified nonprofit agencies for the blind or other severely handicapped for use in making or providing an approved commodity or service to the Government. Other organizations may be eligible pursuant to other sections of the Property Act or by reason of enabling statutory authority.

4. Nature of revision. These revisions update the listings of organizations determined eligible to use GSA sources of supply and services.

5. Definition. GSA sources of supply and services are defined as those support programs administered by GSA and prescribed in the Federal Property Management Regulations (FPMR), 41 CFR Parts 101-26--Procurement Sources and Programs, 101-35--Telecommunications, 101-39--Interagency Fleet Management Systems (GSA Fleet), 101-40--Transportation and Traffic Management, 101-42 through 101-46, 101-48, and 101-49, Utilization and Disposal Programs, and in the Federal Travel Regulation, 41 CFR Part 301-73, Travel Programs. Note: GSA is in the process of recodifying the FPMR in the Federal Management Regulation (FMR) at 41 CFR Chapter 102.

6. Authority to use GSA sources of supply and services. The authority to use GSA sources of supply and services is established by statute (see par. 7) or regulation.

7. Eligible activities. Organizations are eligible to use GSA sources of supply and services pursuant to the Property Act or other statutory authority. Please note that although an organization may be eligible to use GSA sources of supply, particular sources may not be accessible. In some cases, as resources or assets may not be available (especially in the case of the GSA Fleet), it may not be practical for GSA to make certain sources of supply available, or the contract(s) for the requested commodity or service may not permit participation by certain otherwise eligible organizations. Also, some organizations may be eligible to use only specific GSA sources of supply or services.

a. Executive agencies. Subsections 201(a) and 211(b) of the Property Act provide for executive agencies' use of GSA sources of supply and services. Executive agencies, as defined in subsection 3(a) of the Property Act, are:

(1) Executive departments. These are the cabinet departments defined in 5 U.S.C. 101 and are listed in App. A.

(2) Wholly owned Government corporations. These are defined in 31 U.S.C. 9101 and are listed in App. A.

(3) Independent establishments in the executive branch of the Government. These are generally defined by 5 U.S.C. 104. However, it is often necessary to consult specific statutes, legislative histories, and other references to determine whether a particular establishment is within the executive branch. To the extent that GSA has made such determinations, the organizations qualifying under this authority are listed in App. A.

b. Other Federal agencies, mixed-ownership Government corporations, the District of Columbia, and qualified nonprofit agencies for the blind or other severely handicapped for use in making or providing an approved commodity or service to the Government. Subsection 201(b) of the Property Act authorizes the Administrator to provide GSA sources of supply and services to these organizations upon request. Subsection 211(b) authorizes the Administrator to provide motorpool/GSA Fleet vehicles and related services to Federal agencies, mixed-ownership Government corporations, and the District of Columbia.

(1) Other Federal agencies. These are Federal agencies defined in subsection 3(b) of the Property Act that are not in the executive branch of the Government, i.e., any establishment in the legislative or judicial branch of the

Government (except the Senate, the House of Representatives, and the Architect of the Capitol and any activities under his direction). To the extent that GSA has made such determinations, the organizations qualifying under this authority are listed in App. B.

(2) Mixed-ownership Government corporations. These are identified in 31 U.S.C. 9101. They are listed in App. B.

(3) District of Columbia. The Government of the District of Columbia is eligible to use GSA sources of supply and services. The Government of the District of Columbia and those parts thereof that have been determined eligible to use GSA sources of supply and services are listed in App. B.

c. The Senate, the House of Representatives, and activities under the direction of the Architect of the Capitol. These organizations are eligible to use GSA sources of supply and services under subsection 602(e) of the Property Act, upon request. To the extent that GSA has determined that various activities qualify under this authority, they are listed in App. B.

d. Other organizations authorized under the authority of the Property Act. GSA has further determined under the Property Act that certain other types of organizations are eligible to use its sources of supply and services.

(1) Cost-reimbursement contractors (and sub-contractors) as properly authorized. Under section 201 of the Federal Property and Administrative Services Act of 1949, as amended, the Administrator determined that in order to promote greater economy and efficiency in Government procurement programs, contractors performing cost-reimbursement type contracts or other types of negotiated contracts, when the agency determines that a substantial dollar portion is of a cost-reimbursement nature, may be authorized to use GSA sources of supply. This authorization is reflected in Part 51 of the Federal Acquisition Regulation (FAR), which provides that agencies may authorize certain contractors (generally cost-reimbursement contractors) to use GSA sources of supply. In each case, the written authorization must conform to the requirements of FAR Part 51, Use of Government Sources by Contractors. Contractors are not eligible to obtain GSA city-pair contract airfares.

(2) Cost-reimbursement or fixed price contractors' use of GSA Fleet vehicles. Subpart 51.2 of the FAR states that, if it is in the Government's interest, a contracting officer may authorize a cost-reimbursement contractor to obtain, for official purposes only, GSA Fleet vehicles and related services. The FAR also states that Government contractors shall not be authorized to use GSA Fleet vehicles and related services for use in performance of any contract other than a cost-reimbursement contract, except as otherwise specifically approved by the Administrator. Accordingly, any request for use of GSA Fleet vehicles and related services by other than a cost-reimbursement contractor must be requested by the agency contracting officer and approved by GSA.

(3) Fixed-price contractors (and sub-contractors) purchasing security equipment. Under subsection 201(a) of the Property Act, the Administrator has determined that fixed-price contractors and lower-tier sub-contractors who are required to maintain custody of security classified records and information may purchase security equipment from GSA. Procedures for such acquisitions are set forth in FPMR 101-26.507.

(4) Non-Federal firefighting organizations cooperating with the Forest Service. Under section 201 of the Property Act, it has been determined that certain non-Federal firefighting organizations may purchase wildfire suppression equipment and supplies from the Federal Supply Service (FSS) (Article V, Agreement No. FSS 87-1, May 26, 1987).

(5) Tribes and Tribal Organizations. As provided in section 102(13) of Pub. L. 103-413 (the Indian Self-Determination Act Amendments of 1994), a tribal organization, when carrying out a contract, grant or cooperative agreement under the Indian Self-Determination and Education Assistance Act, is deemed an executive agency for purposes of subsection 201(a) of the Property Act. (25 U.S.C. § 450j(k)). Additionally, if the self-determination contract contains a provision authorizing interagency motorpool vehicles and related services, as provided in section 103 of the Indian Self-Determination Act Amendments of 1994, the tribe or tribal organization is eligible to use GSA Fleet vehicles and related services, if available. (25 U.S.C. § 4501) (Authorization to use GSA sources of supply under the authority cited in this paragraph does not include purchases for resale unless the contract, grant, cooperative agreement, or funding agreement authorizes such activity. Information on the authority for resale must be provided to GSA, and based on that information, GSA must concur.)

e. Other statutes. Other statutes authorize specific organizations to use GSA sources of supply and services. The organizations that have had eligibility reviews conducted and that have been determined eligible to use GSA sources of supply are listed in App. B or App. C, as appropriate. The major categories of such organizations include:

(1) Certain institutions. Pursuant to Pub. L. 95-355, the following activities are eligible to use GSA sources of supply and services and are listed in App. B:

(a) Howard University

(b) Gallaudet University

(c) National Technical Institute for the Deaf, and

(d) American Printing House for the Blind.

(2) Insular governments. As provided in section 302 of Pub. L. 102-247, (the Omnibus Insular Areas Act of 1992), the governments of American Samoa, Guam, the Northern Mariana Islands, and the Virgin Islands are eligible to use GSA sources of supply and services (48 U.S.C. § 1469e). These governments are listed in App. B.

(3) Entities authorized under the Foreign Assistance Act. Section 607 of the Foreign Assistance Act of 1961, as amended, 22 U.S.C. 2357, provides that the President may authorize friendly countries, international organizations, the American Red Cross, and voluntary nonprofit relief agencies to use GSA sources of supply and services when determined consistent with and in furtherance of the international development goals of the Foreign Assistance Act. Entities determined eligible under this authority are included in App. C. Purchases made by such entities through GSA sources of supply and services must be for civilian use only.

(4) Non-appropriated fund activities. FPMR 101-26.000 provides that military commissaries and non-appropriated fund activities may use GSA sources of supply and services for their own use, not for resale, unless otherwise authorized by the individual Federal agency and concurred in by GSA.

8. Ineligible activities. Except for the acquisition of excess personal property through sponsoring agencies, Federal grantees are ineligible to use GSA sources of supply and services. In addition, a cost-reimbursement contractor cannot transfer procurement authorization to a third party leasing company to use GSA sources of supply and services, unless the leasing company has an independent authorization to use GSA contracts.

9. Travel. Activities or organizations seeking to use GSA sources of supply and services for travel/transportation related services must obtain a separate determination for the requested service(s). This is necessary to determine whether or not the requesting entity is eligible under the language of the specific contract(s); e.g., travel management center services, travel charge card services, and air passenger transportation.

10. Excess, surplus, and forfeited property. The eligibility of activities and organizations to obtain supplies and services through GSA's personal property utilization and disposal programs is governed by FPMR Parts 101-42 through 101-46, 101-48, 101-49, and not by this order.

11. Determination of eligibility. Activities or organizations other than those covered in the appendixes to this order may be eligible to use GSA sources of supply and services. Activities or organizations requesting an eligibility determination should submit their request to the Office of Governmentwide Policy, Attention: Office of Acquisition Policy (MV).

DAVID J. BARRAM
Administrator

Appendix A. 1 Executive Agencies

The following have been determined to be "executive agencies," or parts thereof, for the purpose of using GSA sources of supply and services. This list is not all-inclusive; other activities also may be eligible to use GSA sources, and GSA will rule on a case-by-case basis in response to requests received (see par. 11). Listed here are major Federal activities and their subordinate entities about which inquiries have been received.

African Development Foundation
Agency for International Development
Agriculture, Department of
Air Force, Department of
American Battle Monuments Commission
Armed Forces Retirement Home
Army Corp of Engineers
Army, Department of
Bonneville Power Administration
Bureau of Land Management
Central Intelligence Agency
Christopher Columbus Fellowship Foundation
Commerce, Department of
Commission on Civil Rights
Commission on Fine Arts
Commodity Credit Corporation
Commodity Futures Trading Commission
Consumer Products Safety Commission
Corporation for National Community Service
Defense, Department of
Defense agencies and Joint Service Schools
Defense Nuclear Facilities Safety Board
Education, Department of
Energy, Department of

Environmental Protection Agency
Equal Employment Opportunity Commission
Executive Office of the President
Export-Import Bank of U.S.
Farm Credit Administration
Federal Communications Commission
Federal Election Commission
Federal Maritime Commission
Federal Trade Commission
Forest Service, U.S.
General Services Administration
Government National Mortgage Association
Harry S. Truman Scholarship Foundation
Health and Human Services, Department of
Homeland Security, Department of
Housing and Urban Development, Department of
Institute of Museum and Library Sciences
Interagency Council on the Homeless
Inter-American Foundation
Interior, Department of the
International Boundary and Water Commission, United States Section
Justice, Department of
Kennedy Center
Labor, Department of
Madison, James, Memorial Fellowship Foundation
Merit Systems Protection Board
Morris K. Udall Foundation
National Aeronautics and Space Administration
National Archives and Records Administration
National Credit Union Administration (not individual credit unions)
National Council on the Handicapped
National Endowment for the Arts
National Endowment for the Humanities
National Labor Relations Board
National Railroad Passenger Corp. (AMTRAK)
National Science Foundation
National Transportation Safety Board
Navy, Department of
Nuclear Regulatory Commission
Nuclear Waste Technical Review Board
Occupational Safety and Health Review Commission
Office of Federal Housing Enterprise Oversight
Office of Personnel Management
Office of Special Counsel
Panama Canal Commission
Peace Corps
Pension Benefit Guaranty Corporation
Postal Rate Commission
Presidio Trust, the
Railroad Retirement Board
St. Elizabeths Hospital
Securities and Exchange Commission
Selective Service System
Small Business Administration
Smithsonian Institution
Social Security Administration
State, Department of
Tennessee Valley Authority
Trade and Development Agency
Transportation, Department of
Treasury, Department of
U.S. Arms Control and Disarmament Agency
U.S. Information Agency
U.S. International Development Cooperation Agency
U.S. International Trade Commission
U.S. Postal Service
Veterans Affairs, Department of

Appendix B. 1 Other eligible users

The following have been determined to be eligible to use GSA sources of supply and services, in addition to the organizations listed in appendixes A and C. An asterisk indicates that special limitations apply. This list is not all-inclusive; other activities also may be eligible to use GSA sources. GSA will rule upon eligibility on a case-by-case basis in response to requests received (see par. 11).

Administrative Conference of the U.S.

Administrative Office of the U.S. Courts
 Advisory Commission on Intergovernmental Relations
 Advisory Committee on Federal Pay
 American Printing House for the Blind
 American Samoa, government of
 Architect of the Capitol
 Architectural and Transportation Barriers Compliance Board
 Bank for Cooperatives
 Certain non-appropriated fund activities (generally, not for resale)
 Coast Guard Auxiliary (through the U.S. Coast Guard)
 Committee for Purchase from the Blind and other Severely Handicapped
 Contractors and subcontractors - cost reimbursement (as authorized by the applicable agency's contracting official)
 Contractors and subcontractors - fixed price (security equipment only when so authorized by the applicable agency's contracting official)
 Courts, Federal (not court reporters)
 Delaware River Basin Commission
 District of Columbia, Government of
 Farm Credit Banks
 Federal Deposit Insurance Corporation
 Federal Home Loan Banks
 Federal Intermediate Credit Bank
 Federal Land Bank
 Federal Reserve Board of Governors
 Firefighters, Non-Federal (as authorized by the Forest Service, U.S. Department of Agriculture)
 Gallaudet University
 Government Printing Office
 Guam, government of
 Harry S. Truman Scholarship Foundation
 House of Representatives, U.S.
 Howard University (including hospital)
 Japan-United States Friendship Commission
 Land Grant Institutions*
 Legal Services Corporation (not its grantees)
 Library of Congress
 Marine Mammal Commission
 Medicare Payment Advisory Commission
 National Bank for Cooperatives (CoBank)
 National Capital Planning Commission
 National Gallery of Art
 National Guard Activities (only through U.S. Property and Fiscal Officers)
 National Technical Institute for the Deaf
 Navajo and Hopi Indian Relocation Commission
 Neighborhood Reinvestment Corporation
 Northern Mariana Islands, Commonwealth, government of
 Senate, U.S.
 Stennis, John C., Center for Public Service Training and Development
 Susquehanna River Basin Commission
 U.S. Institute of Peace
 U.S. Representative, Office of Joint Economic Commission
 Virgin Islands, government of (including Virgin Islands Port Authority)
 Washington Metropolitan Area Transit Authority (METRO)
 * as cost-reimbursement contractors.

Appendix C. 1 International Organizations

The following have been determined to be eligible to use GSA sources of supply and services, in addition to the organizations listed in appendixes A and B. This list is not all-inclusive; other activities may also be eligible to use GSA sources. Also, as stated in par. 7e.(3), certain entities may be eligible to use only specific GSA sources and/or services. GSA will rule upon the eligibility of activities on a case-by-case basis in response to requests received (see par. 11).

African Development Fund
 American Red Cross
 Asian Development Bank
 Caribbean Organization
 Counterpart Foundation, Inc.
 Customs Cooperation Council
 European Space Research Organization
 Food and Agriculture Organization of the United Nations
 Great Lakes Fishery Commission
 Inter-American Defense Board
 Inter-American Development Bank
 Inter-American Institute of Agriculture Sciences
 Inter-American Investment Corporation
 Inter-American Statistical Institute
 Inter-American Tropical Tuna Commission

Intergovernmental Maritime Consultive Organization
Intergovernmental Committee for European Migration
International Atomic Energy Agency
International Bank of Reconstruction and Development (WORLD BANK)
International Boundary Commission-United States and Canada
International Boundary and Water Commission-United States and Mexico
International Center for Settlement of Investment Disputes
International Civil Aviation Organization
International Coffee Organization
International Cotton Advisory Committee
International Development Association
International Fertilizer Development Center
International Finance Corporation
International Hydrographic Bureau
International Institute for Cotton
International Joint Commission-United States and Canada
International Labor Organization
International Maritime Satellite Organization
International Monetary Fund
International Pacific Halibut Commission
International Pacific Salmon Fisheries Commission-Canada
International Secretariat for Volunteer Services
International Telecommunications Satellite Organization
International Telecommunications Union
International Wheat Council
Lake Ontario Claims Tribunal
Multinational Force and Observers
Multinational Investment Guarantee Agency (MIGA)
North American Treaty Organization (NATO)
Organization of African Unity
Organization of American States
Organization for Economic Cooperation and Development
Pan American Health Organization
Radio Technical Commission for Aeronautics
South Pacific Commission
United International Bureau for the Protection of Intellectual Property
United Nations
United Nations Educational, Scientific, and Cultural Organization
Universal Postal Union
World Health Organization
World Intellectual Property Organization
World Meteorological Organization
World Tourism Organization