

## § 102-38.5

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

## 41 CFR Ch. 102 (7-1-05 Edition)

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).

SOURCE: 68 FR 51421, Aug. 26, 2003, unless otherwise noted.

## 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