

# 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 motor pool/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 motor pool 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  
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 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  
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