

SUBCHAPTER 43B – FEDERAL SURPLUS PROPERTY

Note from Codifier: The rules in 01 NCAC 43B were transferred from 01 NCAC 05C by request of the agency effective November 26, 2012.

SECTION .0100 - GENERAL PROVISIONS

01 NCAC 43B .0101 RESPONSIBILITY
01 NCAC 43B .0102 ORGANIZATION

History Note: Authority G.S. 143-49; 143-64.1 to 143-64.5;
 Eff. February 1, 1976;
 Readopted Eff. February 27, 1979;
 Transferred from T01-05C Eff. November 25, 1986;
 Amended Eff. July 1, 1987;
 Transferred from T01-04G Eff. November 1, 1995;
 Amended Eff. February 1, 1996;
 Repealed Eff. June 1, 2007.

SECTION .0200 - STATE SURPLUS PROPERTY

01 NCAC 43B .0201 TRANSFER OR SALE
01 NCAC 43B .0202 NOTIFICATION OF SURPLUS
01 NCAC 43B .0203 TRADE-IN
01 NCAC 43B .0204 ORDER OF PRIORITY IN DISPOSITION
01 NCAC 43B .0205 PUBLIC SALE
01 NCAC 43B .0206 FIRST-COME: FIRST-SERVED
01 NCAC 43B .0207 REQUEST FOR BIDS ON STATE SURPLUS PROPERTY
01 NCAC 43B .0208 DISPOSAL BY OTHER MEANS
01 NCAC 43B .0209 REJECTION OF BIDS
01 NCAC 43B .0210 RECEIPT OF BIDS
01 NCAC 43B .0211 EXECUTION OF BIDS
01 NCAC 43B .0212 TELEFAX PROPOSALS (BIDS)
01 NCAC 43B .0213 INSPECTION OF PROPERTY
01 NCAC 43B .0214 STATE DOES NOT GUARANTEE
01 NCAC 43B .0215 DEPOSITS

History Note: Authority G.S. 143-49;
 Eff. February 1, 1976;
 Readopted Eff. February 27, 1979;
 Transferred from T01-05C Eff. November 25, 1986;
 Amended Eff. November 1, 1988; July 1, 1987; February 1, 1996; March 1, 1994; July 1, 1991;
 Transferred from T01-05C Eff. November 25, 1986;
 Transferred from T01-04G Eff. November 1, 1995;
 Repealed Eff. June 1, 2007.

01 NCAC 43B .0216 PAYMENT

History Note: Authority G.S. 143-49;
 Eff. February 1, 1976;
 Readopted Eff. February 27, 1979;
 Transferred from T01-05C Eff. November 25, 1986;
 Repealed Eff. July 1, 1987;
 Transferred from T01-04G Eff. November 1, 1995.

01 NCAC 43B .0217 FAILURE TO PAY
01 NCAC 43B .0218 BOND
01 NCAC 43B .0219 DEMOLITION OF STATE BUILDINGS
01 NCAC 43B .0220 TIMBER SALES AND PINESTRAW SALES
01 NCAC 43B .0221 SURPLUS WEAPONS
01 NCAC 43B .0222 PAYMENT
01 NCAC 43B .0223 SURPLUS PAPER

History Note: Authority G.S. 130A-309.14; 143-64.04; 143-63.1(d); 143-49;
Eff. August 1, 1992; November 1, 1988; September 1, 1985; February 1, 1976;
Eff. Readopted Eff. February 27, 1979;
Transferred from T01-05C Eff. November 25, 1986;
Transferred from T01-04G Eff. November 1, 1995;
Amended Eff. February 1, 1996; November 1, 1988; July 1, 1987;
Repealed Eff. June 1, 2007.

01 NCAC 43B .0224 RECYCLABLE MATERIAL

History Note: Authority G.S. 143-64.02; 143-64.05; S.L. Extra Session 1999-463;
Temporary Adoption Eff. April 26, 2000;
Temporary Adoption Expired on February 9, 2001.

SECTION .0300 - STATE SURPLUS PROPERTY FORMS

01 NCAC 43B .0301 REQUEST FOR BIDS ON SALE OF SURPLUS STATE PROPERTY

History Note: Authority G.S. 150B-11;
Eff. February 1, 1976;
Readopted Eff. February 27, 1979;
Transferred from T01-05C Eff. November 25, 1986;
Amended Eff. November 1, 1988;
Transferred from T01-04G Eff. November 1, 1995;
Repealed Eff. June 1, 2007.

01 NCAC 43B .0302 TERMS AND CONDITIONS OF SALE OF STATE SURPLUS PROPERTY

History Note: Authority G.S. 150B-11;
Eff. February 1, 1976;
Repealed Eff. February 27, 1979;
Transferred from T01-05C Eff. November 25, 1986;
Transferred from T01-04G Eff. November 1, 1995.

01 NCAC 43B .0303 NOTIFICATION: SALE OF SURPLUS PROPERTY

History Note: Authority G.S. 150B-11;
Eff. February 1, 1976;
Readopted Eff. February 27, 1979;
Transferred from T01-05C Eff. November 25, 1986;
Amended Eff. July 1, 1987;
Transferred from T01-04G Eff. November 1, 1995;
Repealed Eff. February 1, 1996.

01 NCAC 43B .0304 NOTIFICATION: AWARD OF SURPLUS PROPERTY

History Note: Authority G.S. 150B-11;
Eff. February 1, 1976;
Readopted Eff. February 27, 1979;
Transferred from T01-05C Eff. November 25, 1986;
Amended Eff. November 1, 1988; July 1, 1987;
Transferred from T01-04G Eff. November 1, 1995;
Repealed Eff. February 1, 1996.

01 NCAC 43B .0305 INVOICE: STATE SURPLUS PROPERTY

History Note: Authority G.S. 150B-11;
Eff. February 27, 1979;
Transferred from T01-05C Eff. November 25, 1986;
Transferred from T01-04G Eff. November 1, 1995;
Repealed Eff. June 1, 2007.

SECTION .0400 - FEDERAL SURPLUS PROPERTY

01 NCAC 43B .0401 ELIGIBLE INSTITUTIONS

It shall be the responsibility of the state agency for federal surplus property to determine the eligibility of donees under Public Law 94-519 and applicable federal rules and regulations. Application blanks are available from the federal property agency upon request and must be properly completed and returned by the applicant. The individual authorized to obtain property for the donee organization must indicate his name on the application.

History Note: Authority G.S. 143-64.1 to 143-64.5;
Eff. February 1, 1976;
Readopted Eff. February 27, 1979;
Transferred from T01-05C Eff. November 25, 1986;
Amended Eff. July 1, 1987;
Transferred from T01-04G Eff. November 1, 1995;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 6, 2018.

01 NCAC 43B .0402 UTILIZATION OF PROPERTY

Federal law requires donable surplus property acquired from the United States government be put into utilization within one year after date of transfer, that the utilization conforms with federal regulations pertaining to this type property and that there exists a recognizable initial need for the property. Federal surplus property not put in use within 12 months after date of transfer and used for one year thereafter (except as otherwise indicated in 1 NCAC 5C .0403) may be reclaimed by the federal surplus property agency.

History Note: Authority G.S. 143-64.1 to 143-64.5;
Eff. February 1, 1976;
Readopted Eff. February 27, 1979;
Transferred from T01-05C Eff. November 25, 1986;
Transferred from T01-04G Eff. November 1, 1995;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 6, 2018.

01 NCAC 43B .0403 COMPLIANCE AND UTILIZATION

- (a) The state agency shall effect utilization reviews for compliance by donees with the terms, conditions, reservations and restrictions imposed by the Federal and state Government for any item of property having a unit acquisition cost of five thousand dollars (\$5,000) or more and any passenger motor vehicle.
- (b) Compliance reviews shall include a survey of donee compliance with any special handling conditions or use limitations imposed on items of property.
- (c) Compliance reviews shall also include a survey of donee compliance with the statutory requirement that items of donated property acquired by the donee be placed into use within one year of acquisition and used for one year thereafter. However, for items with a unit acquisition cost of five thousand dollars (\$5,000) or more and passenger motor vehicles,

regardless of acquisition cost, except vessels 50 feet or more in length and aircraft with a unit acquisition cost of five thousand dollars (\$5,000) or more, the following restrictions shall apply:

- (1) Property shall be used only for the purpose(s) for which acquired and for no other purpose(s).
- (2) There shall be a period of restriction which will expire after such property has been used for the purpose(s) for which acquired for a period of 18 months, after being placed in use, on all passenger motor vehicles and other items of property with a unit acquisition cost of five thousand dollars (\$5,000) or more, except for such items as major equipment on which the state agency may designate a further period of restriction of up to three years and so indicates on the distribution document.
- (3) In the event property is not so used or handled as required above, but federal restrictions have expired, title and right to the possession of such property shall, at the option of the state agency, revert to the State of North Carolina and the donee shall release such property to such person as the state agency shall direct.

*History Note: Authority G.S. 143-64.1 to 143-64.5;
Eff. February 1, 1976;
Readopted Eff. February 27, 1979;
Transferred from T01-05C Eff. November 25, 1986;
Amended Eff. July 1, 1987;
Transferred from T01-04G Eff. November 1, 1995;
Amended Eff. February 1, 1996;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 6, 2018.*

01 NCAC 43B .0404 LISTS

*History Note: Authority G.S. 143-64.1 to 143-64.5;
Eff. February 1, 1976;
Readopted Eff. February 27, 1979;
Transferred from T01-05C Eff. November 25, 1986;
Repealed Eff. July 1, 1987;
Transferred from T01-04G Eff. November 1, 1995.*

01 NCAC 43B .0405 DETERMINATION OF NEED

(a) Federal surplus property is available to eligible organizations and is distributed on a fair and equitable basis with a reasonable time being given to allow for acceptance. The foremost and overriding objective of the state agency is to provide fair and equitable distribution of surplus property available to all eligible participants. To accomplish this objective, principal consideration will be given to written request showing relative needs, relative resources, and relative ability to fully utilize available property.

(b) Relative Need. In determining relative needs of eligible entities, the following factors, among others, will be considered:

- (1) expression of interest by the eligible donee for specific item of property;
- (2) justification of expressed needs defining proposed purposes for use of property;
- (3) indication of whether the needs are continuing or temporary;
- (4) past performance in prompt pick-up and utilization of property;
- (5) record of previous donations of similar or like items to the donee;
- (6) extraordinary needs created by disasters such as storms, floods, fires, etc.

(c) Relative Resources. The following factors may be used in evaluating relative resources of participants who have expressed specific needs:

- (1) availability of funds--whether tax-appropriated funds, federal or state grants, tuition or charges for service, donations or contributions or other sources;
- (2) assessment of financial ability including data pertaining to budget limitations, inability to purchase from other sources, extraordinary economic problems, per capita income of population, assessed property values, economic ranking, and other appropriate data.

(d) Relative Ability to Utilize Property. In determining utilization capability for property needs expressed, the following factors, among others, will be considered:

- (1) statement of utilization potential for requested property,

- (2) plans for continued or temporary use of property,
- (3) capability for repair and maintenance of property.

History Note: Authority G.S. 143-64.1 to 143-64.5;
Eff. February 1, 1976;
Readopted Eff. February 27, 1979;
Transferred from T01-05C Eff. November 25, 1986;
Transferred from T01-04G Eff. November 1, 1995;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 6, 2018.

01 NCAC 43B .0406 SURPLUS REAL PROPERTY

History Note: Authority G.S. 143-64.1 to 143-64.5;
Eff. February 1, 1976;
Readopted Eff. February 27, 1979;
Transferred from T01-05C Eff. November 25, 1986;
Repealed Eff. July 1, 1987;
Transferred from T01-04G Eff. November 1, 1995.

01 NCAC 43B .0407 SERVICE CHARGE

The state agency for federal surplus property places a service charge commensurate with its costs on all donated federal surplus property.

History Note: Authority G.S. 143-64.1 to 143-64.5;
Eff. February 1, 1976;
Readopted Eff. February 27, 1979;
Transferred from T01-05C Eff. November 25, 1986;
Amended Eff. July 1, 1987;
Transferred from T01-04G Eff. November 1, 1995;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 6, 2018.

01 NCAC 43B .0408 DELIVERY OF PURCHASES

History Note: Authority G.S. 143-64.1 to 143-64.5;
Eff. February 1, 1976;
Readopted Eff. February 27, 1979;
Transferred from T01-05C Eff. November 25, 1986;
Amended Eff. July 1, 1987;
Transferred from T01-04G Eff. November 1, 1995;
Expired Eff. April 1, 2018 pursuant to G.S. 150B-21.3A.

01 NCAC 43B .0409 NO CASH TRANSACTIONS

No cash transactions are handled. All charges must be paid by checks drawn on the recipient agency or institution.

History Note: Authority G.S. 143-64.1 to 143-64.5;
Eff. February 1, 1976;
Readopted Eff. February 27, 1979;
Transferred from T01-05C Eff. November 25, 1986;
Transferred from T01-04G Eff. November 1, 1995;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 6, 2018.

SECTION .0500 - FEDERAL SURPLUS PROPERTY FORMS

01 NCAC 43B .0501 ELIGIBILITY OF DONEES (EDUCATIONAL INSTITUTION)

01 NCAC 43B .0502 ELIGIBILITY OF DONEES (PUBLIC HEALTH INSTITUTION)

01 NCAC 43B .0503 CERTIFICATIONS AND AGREEMENTS

History Note: Authority G.S. 150B-11;
 Eff. February 1, 1976;
 Repealed Eff. February 27, 1979;
 Transferred from T01-05C Eff. November 25, 1986;
 Transferred from T01-04G Eff. November 1, 1995.

01 NCAC 43B .0504 FORM OS-484 (7-1-75)

Form OS-484 (7-1-75) is used in requests to alter terms and conditions under which federal surplus property is donated.

History Note: Authority G.S. 143-64.1 through 143-65.5;
 Eff. February 1, 1976;
 Readopted Eff. February 27, 1979;
 Transferred from T01-05C Eff. November 25, 1986;
 Transferred from T01-04G Eff. November 1, 1995;
 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 6, 2018.

01 NCAC 43B .0505 FORM HEW 142A (4-60)

01 NCAC 43B .0506 FORM OS-142B (3-69)

01 NCAC 43B .0507 FORM HEW-441 (12-64)

History Note: Authority G.S. 150B-11;
 Eff. February 1, 1976;
 Repealed Eff. February 27, 1979;
 Transferred from T01-05C Eff. November 25, 1986;
 Transferred from T01-04G Eff. November 1, 1995.

01 NCAC 43B .0508 AGREEMENT AND ACKNOWLEDGEMENT OF TRANSFER

01 NCAC 43B .0509 AGREEMENT AND ACKNOWLEDGEMENT OF TRANSFER

History Note: Authority G.S. 150B-11;
 Eff. February 1, 1976;
 Readopted Eff. February 27, 1979;
 Transferred from T01-05C Eff. November 25, 1986;
 Amended Eff. July 1, 1987;
 Transferred from T01-04G Eff. November 1, 1995;
 Repealed Eff. February 1, 1996.

01 NCAC 43B .0510 AGREEMENT AND ACKNOWLEDGEMENT OF TRANSFER

History Note: Authority G.S. 150B-11;
 Eff. February 1, 1976;
 Repealed Eff. February 27, 1979;
 Transferred from T01-05C Eff. November 25, 1986;
 Transferred from T01-04G Eff. November 1, 1995.

01 NCAC 43B .0511 APPLICATION FOR ELIGIBILITY: PC-90

PC-90--Application for Eligibility, is a questionnaire form required to be filled out and approved for all eligible donee institutions.

History Note: Authority G.S. 143-64.1 through 143-64.5;
 Eff. February 27, 1979;
 Transferred from T01-05C Eff. November 25, 1986;
 Transferred from T01-04G Eff. November 1, 1995;

Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 6, 2018.

01 NCAC 43B .0512 NONDISCRIMINATION ASSURANCE PC-159

PC-159--Non-Discrimination Assurance is a certification by eligible institutions that compliance with Title VI of The Civil Rights Act of 1964, Section 606 of Title VI of the Federal Property and Administrative Services Act of 1949, as amended, Section 504 of the Rehabilitation Act of 1973, as amended, Title IX of the Education Amendments of 1972, as amended, and Section 303 of the Age Discrimination Act of 1975 is being conducted.

*History Note: Authority G.S. 143-64.1 through 143-64.5;
Eff. February 27, 1979;
Transferred from T01-05C Eff. November 25, 1986;
Amended Eff. July 1, 1987;
Transferred from T01-04G Eff. November 1, 1995;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 6, 2018.*

01 NCAC 43B .0513 INVOICE: FEDERAL SURPLUS PROPERTY: PC-56

PC-56--Invoice, Federal Surplus Property, is the donee service and handling charges which have been assessed to the donee.

*History Note: Authority G.S. 143-64.1 through 143-64.5;
Eff. February 27, 1979;
Transferred from T01-05C Eff. November 25, 1986;
Transferred from T01-04G Eff. November 1, 1995;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 6, 2018.*

01 NCAC 43B .0514 DOCUMENT INVENTORY REPORT: PC-FS-61

01 NCAC 43B .0515 EMERGENCY LABOR REPORT: PC-81

*History Note: Authority G.S. 150B-11;
Eff. February 27, 1979;
Transferred from T01-05C Eff. November 25, 1986;
Amended Eff. July 1, 1987;
Transferred from T01-04G Eff. November 1, 1995;
Expired Eff. April 1, 2018 pursuant to G.S. 150B-21.3A.*

01 NCAC 43B .0516 CERTIFICATION AND AGREEMENTS: PC-FS-99

PC-FS-99--Certification and Agreement, is required for all eligible institutions, certifying that all federal property will be utilized in accordance with the terms and conditions which are printed on the Official Agreement and Acknowledgement of Transfer Document.

*History Note: Authority G.S. 143-64.1 through 143-64.5;
Eff. February 27, 1979;
Transferred from T01-05C Eff. November 25, 1986;
Amended Eff. July 1, 1987;
Transferred from T01-04G Eff. November 1, 1995;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 6, 2018.*

01 NCAC 43B .0517 SASP MONTHLY ACTIVITY REPORT: PC-94

*History Note: Authority G.S. 150B-11;
Eff. February 27, 1979;
Transferred from T01-05C Eff. November 25, 1986;
Repealed Eff. July 1, 1987;
Transferred from T01-04G Eff. November 1, 1995.*

