

## Federal Management Regulation

## § 102–117.25

### § 102–117.15 To whom does this part apply?

This part applies to all agencies and wholly owned Government corporations as defined in 5 U.S.C. 101 *et seq.* and 31 U.S.C. 9101(3), except those indicated in § 102–117.20.

### § 102–117.20 Are any agencies exempt from this part?

(a) The Department of Defense is exempted from this part by an agreement under the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 481 *et seq.*), except for the rules to debar or suspend a TSP under the Federal Acquisition Regulation (48 CFR part 9, subpart 9.4).

(b) Subpart D of this part, covering household goods, does not apply to the uniformed service members, under Title 37 of the United States Code, “Pay and Allowances of the Uniformed Services,” including the uniformed service members serving in civilian agencies such as the U.S. Coast Guard, National Oceanic and Atmospheric Administration and the Public Health Service.

### § 102–117.25 What definitions apply to this part?

The following definitions apply to this part:

*Accessorial charges* means charges that are applied to the base tariff rate or base contract of carriage rate. Examples of accessorial charges are:

(1) Bunkers, destination/delivery, container surcharges, and currency exchange for international shipments.

(2) Inside delivery, redelivery, re-shipment, and demurrage or detention for freight.

(3) Packing, unpacking, appliance servicing, blocking and bracing, and special handling for household goods.

*Agency* means an executive department or independent establishment in the executive branch of the Government, and a wholly owned Government corporation.

*Bill of lading*, sometimes referred to as a commercial bill of lading (but includes GBLs), is the document used as a receipt of goods and documentary evidence of title.

*Cargo preference* is the legal requirement for all, or a portion of all, ocean-

borne cargo to be transported on U.S. flag vessels.

*Commutated rate system* is the system under which an agency may allow its employees to make their own household goods shipping arrangements, and apply for reimbursement.

*Consignee* is the person or agent to whom freight or household goods are delivered.

*Consignor*, also referred to as the shipper, is the person or firm that ships freight or household goods to a consignee.

*Contract of carriage* is a contract between the TSP and the agency to transport freight or household goods.

*Debarment* is an action to exclude a TSP, for a period of time, from providing services under a rate tender or any contract under the Federal Acquisition Regulation (48 CFR part 9, subpart 9.406).

*Demurrage* is the penalty charge to an agency for delaying the agreed time to load or unload shipments by rail or ocean TSPs.

*Detention* is the penalty charge to an agency for delaying the agreed time to load or unload shipments by truck TSPs. It is also a penalty charge in some ocean shipping contracts of carriage that take effect after the demurrage time ends.

*Electronic commerce* is an electronic technique for carrying out business transactions (ordering and paying for goods and services), including electronic mail or messaging, Internet technology, electronic bulletin boards, charge cards, electronic funds transfers, and electronic data interchange.

*Foreign flag vessel* is any vessel of foreign registry including vessels owned by U.S. citizens but registered in a foreign country.

*Freight* is property or goods transported as cargo.

*Government bill of lading (GBL)* is the transportation document used as a receipt of goods, evidence of title, and a contract of carriage for Government international shipments.

*Governmentwide Transportation Policy Council (GTPC)* is an interagency forum to help GSA formulate policy. It provides agencies managing transportation programs a forum to exchange information and ideas to solve common

problems. For further information on this council, see web site: <http://www.policyworks.gov/transportation>.

*Hazardous material (HAZMAT)* is a substance or material the Secretary of Transportation determines to be an unreasonable risk to health, safety, and property when transported in commerce, and labels as hazardous under section 5103 of the Federal Hazardous Materials Transportation Law (49 U.S.C. 5103 *et seq.*). When transported internationally hazardous material may be classified as “Dangerous Goods.” All such freight must be marked in accordance with applicable regulations and the carrier must be notified in advance.

*Household goods (HHG)* are the personal effects of Government employees and their dependents.

*Line-Haul* is the movement of freight between cities excluding pickup and delivery service.

*Mode* is a method of transportation, such as rail, motor, air, water, or pipeline.

*Rate schedule* is a list of freight rates, taxes, and charges assessed against non-household goods cargo.

*Rate tender* is an offer a TSP sends to an agency, containing service rates and charges.

*Receipt* is a written or electronic acknowledgment by the consignee or TSP as to when and where a shipment was received.

*Release/declared value* is stated in dollars and is considered the assigned value of the cargo for reimbursement purposes, not necessarily the actual value of the cargo. Released value may be more or less than the actual value of the cargo. The released value is the maximum amount that could be recovered by the agency in the event of loss or damage for the shipments of freight and household goods. The statement of released value must be shown on any applicable tariff, tender, or other document covering the shipment.

*Reparation* is a payment to or from an agency to correct an improper transportation billing involving a TSP. Improper routing, overcharges or duplicate payments may cause such improper billing. This is different from a payment to settle a claim for loss and damage.

*Suspension* is an action taken by an agency to disqualify a TSP from receiving orders for certain services under a contract or rate tender (48 CFR part 9, subpart 9.407).

*Transportation document* is any executed agreement for transportation service, such as bill of lading, Government bill of lading (GBL), Government travel request (GTR) or transportation ticket.

*Transportation service provider (TSP)* is any party, person, agent or carrier that provides freight or passenger transportation and related services to an agency. For a freight shipment this would include packers, truckers and storers. For passenger transportation this would include airlines, travel agents and travel management centers.

*U.S. flag air carrier* is an air carrier holding a certificate issued by the United States under 49 U.S.C. 41102 (49 U.S.C. 40118, 48 CFR part 47, subpart 47.4).

*U.S. flag vessel* is a commercial vessel, registered and operated under the laws of the U.S., owned and operated by U.S. citizens, and used in commercial trade of the United States.

[65 FR 60060, Oct. 6, 2000; 65 FR 81405, Dec. 26, 2000, as amended at 75 FR 51393, Aug. 20, 2010]

### Subpart B—Acquiring Transportation or Related Services

#### § 102–117.30 What choices do I have when acquiring transportation or related services?

When you acquire transportation or related services you may:

- (a) Use the GSA tender of service;
- (b) Use another agency’s contract or rate tender with a TSP only if allowed by the terms of that agreement or if the Administrator of General Services delegates authority to another agency to enter an agreement available to other Executive agencies;
- (c) Contract directly with a TSP using the acquisition procedures under the Federal Acquisition Regulation (FAR) (48 CFR chapter 1); or
- (d) Negotiate a rate tender under a Federal transportation procurement statute, 49 U.S.C. 10721 or 13712.