

**§ 102-37.135**

**§ 102-37.135 How does a SASP become eligible to distribute surplus property to donees?**

In order to receive transfers of surplus property, a SASP must:

- (a) Have a GSA-approved State plan of operation; and
- (b) Provide the certifications and agreements as set forth in §§ 102-37.200 and 102-37.205.

STATE PLAN OF OPERATION

**§ 102-37.140 What is a State plan of operation?**

A State plan of operation is a document developed under State law and approved by GSA in which the State sets forth a plan for the management and administration of the SASP in the donation of property.

**§ 102-37.145 Who is responsible for developing, certifying, and submitting the plan?**

The State legislature must develop the plan. The chief executive officer of the State must submit the plan to the Administrator of General Services for acceptance and certify that the SASP is authorized to:

- (a) Acquire and distribute property to eligible donees in the State;
- (b) Enter into cooperative agreements; and
- (c) Undertake other actions and provide other assurances as are required by 40 U.S.C. 549(e) and set forth in the plan.

[67 FR 2584, Jan. 18, 2002, as amended at 71 FR 23868, Apr. 25, 2006]

**§ 102-37.150 What must a State legislature include in the plan?**

The State legislature must ensure the plan conforms to the provisions of 40 U.S.C. 549(e) and includes the information and assurances set forth in Appendix B of this part. It may also include in the plan other provisions not inconsistent with the purposes of title 40 of the United States Code and the requirements of this part.

[67 FR 2584, Jan. 18, 2002, as amended at 71 FR 23868, Apr. 25, 2006]

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**§ 102-37.155 When does a plan take effect?**

The plan takes effect on the date GSA notifies the chief executive officer of the State that the plan is approved.

**§ 102-37.160 Must GSA approve amendments or modifications to the plan?**

Yes, GSA must approve amendments or modifications to the plan.

**§ 102-37.165 Do plans or major amendments require public notice?**

Yes, proposed plans and major amendments to existing plans require general notice to the public for comment. A State must publish a general notice of the plan or amendment at least 60 calendar days in advance of filing the proposal with GSA and provide interested parties at least 30 calendar days to submit comments before filing the proposal.

**§ 102-37.170 What happens if a SASP does not operate in accordance with its plan?**

If a SASP does not operate in accordance with its plan, GSA may withhold allocation and transfer of surplus property until the nonconformance is corrected.

SCREENING AND REQUESTING PROPERTY

**§ 102-37.175 How does a SASP find out what property is potentially available for donation?**

A SASP may conduct onsite screening at various Federal facilities, contact or submit want lists to GSA, or use GSA's or other agencies' computerized inventory system to electronically search for property that is potentially available for donation (see § 102-36.90 for information on GSA's system, FEDS).

**§ 102-37.180 Does a SASP need special authorization to screen property at Federal facilities?**

Yes, SASP personnel or donee personnel representing a SASP must have a valid screener-identification card (GSA Optional Form 92, Screener's Identification, or other suitable identification approved by GSA) before screening and selecting property at holding agencies. However, SASP or