

**DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES
STATE SURPLUS PROPERTY OFFICE
729 KAKOI STREET
HONOLULU, HAWAII 96819**

FEDERAL AND STATE SURPLUS PROPERTY PROGRAM

March 24, 2005

SURPLUS PROPERTY PROGRAM

What is the Surplus Property Donation Program?

Public Law 94-519 of the Federal Property and Administrative Act of 1949 established the Federal Surplus Personal Property program to promote the donation of Federal surplus/excess personal government property to States and local organizations. All personal property, excess to the needs of the Federal government, is turned over to the Defense Reutilization and Marketing Office (DRMO) for reutilization, sale, and/or disposal by the appropriate means. The first priority is to make all excess Federal property available, first to all Federal agencies and then to eligible donees as described under Public Law 94-519, afterwards the State Surplus Property Office is eligible to participate in the donation program. Property acquired by the State Surplus Property Office is transported from DRMO, at Barber's Point, to the State warehouse where it is received, warehoused, and recorded on accountable inventory records. These items are then available to all eligible program participants for transfer under the donation program.

Who is eligible to participate in the Federal Surplus Property Donation Program?

1. **Public Agency.** Any public agency for use in carrying out or promoting for the residents of a given political area one or more public purposes.
 - a. "Public Agency" means any State; political subdivision thereof, including any unit of local government or economic development district; or any department, agency, instrumentality thereof, including instrumentalities created by compact or other agreement between State or political subdivisions, multijurisdictional substate districts established by or pursuant to State law, or any Indian tribe, band, group, pueblo, or community located on a State reservation.
 - b. "Public purpose" means a program or programs carried out by a public agency which are legally authorized in accordance with the laws of the State or political subdivision thereof and for which public funds may be expended. Public purposes include but are not limited to programs such as conservation, economic development, education, parks and recreation, public health, and public safety.

2. Private Nonprofit Education and/or Health. Nonprofit educational and/or health institutions or organizations such as medical institutions, hospitals, clinics, health centers, schools, colleges, universities, schools for the mentally retarded, schools for the physically challenged, child care centers, providers of assistance to homeless individuals, and educational radio and television stations licensed by the Federal Communications Commission; museums attended by the public, and libraries serving free all residents of a community, district, State, or region, which are exempt from taxation under Section 501(c) of the Internal Revenue Code of 1954 for purposes of education or public health, including research for any such purpose.

Determination of Eligibility.

Documentary and other supporting evidence required by the State Agency in evaluating the applicant's eligibility shall include:

1. Public Agency.
 - a. A properly executed Application for Eligibility with supporting program information.
 - b. Authorization of the Chief Executive Officer (CEO) or resolution of the Governing Board.
 - c. Evidence to establish status as a public agency.
 - (1) State Statutes.
 - (2) Current Appropriation Acts.
 - (3) County Charters.
 - (4) Current Program and Annual Budgets.
 - d. Assurance of Compliance with appropriate GSA Regulations.
 - e. Evidence of approval, accreditation, or license, if required.
 - f. Other supporting documents.

2. Nonprofit Educational or Public Health.
 - a. A properly executed Application for Eligibility with supporting program information.
 - b. Authorization of the chief executive officer or Resolution of the Governing Board.
 - c. Evidence of approval, accreditation, or license, if required.
 - d. Proof of tax exemption under Section 501(c) of the Internal Revenue Code of 1954.
 - e. Assurance of Compliance with appropriate GSA Regulations.

What is the donee's responsibility for property received under the Federal Surplus Donation Program?

1. Property acquired by eligible donee through the Federal Surplus Property program with an acquisition cost of \$5,000.00 or more and any passenger motor vehicle must be placed into use by the donee within six months of receipt and used for a minimum of one year thereafter.
2. Property not placed in use by the donee within the prescribed time frame or used improperly will be returned to the State Surplus Property Office at the donee's expense. Property no longer required by the donee for which Federal restrictions are still in effect will be returned to the State Surplus Property Office for reutilization if the property is still useable. Transportation cost for property that is reallocated to another eligible donee will be borne by the State Surplus Property Office.
3. Combat and non-combat aircraft have special restrictions placed on their use by the General Services Administration (GSA). Donees wishing to acquire aircraft will be informed of what restrictions apply to their situation.
4. Property acquired by eligible donees through the Federal Donation Program must be used to support the goals and objectives of that program only. Any unauthorized use of donated property for any purpose not directly related to the donee's program is a Federal crime. Cases of fraud or misuse of donated property will be reported to GSA and the Federal Bureau of Investigation (FBI).

What is the State Surplus Property Office? What services are available through the State Surplus Property Office?

1. The State Surplus Property Office is self-supporting and operational costs associated with acquiring, transporting, receiving, storing, issuing, and shipping donated surplus property must be borne by the program. In order to pay operational costs, a service and handling charge is accessed against surplus/excess property allocated to program participants. Service and handling fees are based on the type, condition, and acquisition cost of the property. Normally the service and handling charge is less than ten percent of the acquisition cost of the item. The State Surplus Property Office acquires both Federal and State surplus/excess personal property. The types and quantities of property acquired is based on anticipated or actual requirements, the condition of the item, cost of transporting the item, and available storage space.

2. Federal surplus property is generated when Federal agencies, in Hawaii, have property for which no Federal requirement exists. This property is reported to GSA for disposal through donation, sale, scrap, or destruction. The State Surplus Property Office has been designated by the Governor of Hawaii as the agency responsible for acquiring and distributing this surplus property. The State Surplus Property Office is within the State Procurement Office, an administratively attached agency to the Department of Accounting and General Services (DAGS), and reports directly to the Assistant Administrator. The State Surplus Property Office is physically located at 729 Kakoi Street, Honolulu, Hawaii, 96819. The business telephone numbers are 831-6757 and 831-6758. Warehouse hours are 7:45 a.m. until 4:00 p.m. and office hours are 7:45 a.m. until 4:30 p.m., Monday through Friday. Presently there are five full time employees authorized. The State Surplus Property Office occupies 83,000 square feet of land located at Shafter Flats. State owned facilities include: 2,400 square feet of office space; 12,000 square feet of indoor storage; and 71,000 square feet of paved and unimproved open storage. The entire area is enclosed by a security fence.

3. State Surplus Property personnel screen property at DRMO, Barber's Point, on a weekly basis. This is the central collection agency for Federal surplus property and generates 90 percent of the Federal surplus property in Hawaii. Because the State Surplus Property Program is self-supporting, only property that has a high potential for reutilization is brought into the warehouse. Donees are encouraged to screen at DRMO, with the State Surplus Property Office screener, and can acquire property at a reduced service and handling fee if they participate in the screening process. Donees can also fill out a want request, which identifies specific types and quantities of property, which they are interested in. The donee is then notified when this item becomes available and the property is issued based on the highest priority and oldest request date. Property physically stored in the State Surplus Property warehouse is issued on a first-come first-serve basis. Donees are allowed to tag property and given seven calendar days to process the necessary documentation. Acceptable methods of payment are either State Purchase Order(s) and/or check(s). Property donated to eligible program participants on the neighbor islands is delivered to the appropriate port facility at no charge to the donee. Delivery service for donees located on Oahu are available but there is a charge of \$50.00 to defray operating costs.

4. The State Surplus Property Office also accepts State surplus/excess property for redistribution to eligible donees. Property acquired from State sources is basically processed the same way as Federal surplus property. State agencies wishing to dispose of unwanted property should contact the State Surplus Property Office who determines if the property is suitable for donation. Property that is deemed suitable is transferred to the State Surplus Property Office on a State Disposal Application. Accountability is transferred at this time. The State Surplus Property Office is responsible for transporting and storing this property. State property, which is deemed unsuitable for donation, is refused, and the owning agency is responsible for disposal/destruction.

5. Organizations requiring further information are encouraged to contact the State Surplus Property personnel at the telephone numbers given on page 4 or drop by for a guided tour. With a shrinking State budget it behooves all State, City, and County agencies to explore any program which might enable them to make available tax dollars go farther. Attached you will find all the forms necessary to apply for the program. Please take the time to apply. If you are already participating in the program, take this opportunity to update your eligibility file. The State Surplus Property Program is for your benefit. Take advantage of the program. Your comments and suggestions on how to improve the program and provide better service to you our customers are welcome.

3-Attachments:

- Attachment 1 – Application for Eligibility
- Attachment 2 – Terms and Conditions
- Attachment 3 – Map

APPLICATION FOR ELIGIBILITY
 To Receive Federal Surplus Property (41 CFR 101-44.207)

I. LEGAL NAME & MAILING ADDRESS OF APPLICANT ORGANIZATION:

<i>Name of Organization</i>	<i>Federal Tax ID#</i>
<i>Mailing Address (P.O. Box #, Street, City & State)</i>	<i>Zip Code</i>
<i>Street Address/Location (if different from mailing address)</i>	
<i>County</i>	<i>() Telephone #</i>

II. APPLICANT STATUS (CHECK ONE):

- Public Agency including Public Schools (evidence must be provided)
 Nonprofit, tax-exempt Organization

III. TYPE OR PURPOSE OF ORGANIZATION:

- | | | | | |
|--|--|---|--|--|
| <input type="checkbox"/> State | <input type="checkbox"/> College or University | <input type="checkbox"/> Child Care Center | <input type="checkbox"/> Training Center | <input type="checkbox"/> Medical Institution |
| <input type="checkbox"/> County | <input type="checkbox"/> Secondary School | <input type="checkbox"/> School for Handicapped | <input type="checkbox"/> Radio/TV Station | <input type="checkbox"/> Hospital |
| <input type="checkbox"/> City | <input type="checkbox"/> Elementary School | <input type="checkbox"/> School for Retarded | <input type="checkbox"/> Library | <input type="checkbox"/> Health Center |
| <input type="checkbox"/> School District | <input type="checkbox"/> Preschool | <input type="checkbox"/> Museum | <input type="checkbox"/> Sheltered Workshop Training Program | <input type="checkbox"/> Clinic |
| | <input type="checkbox"/> Program for Older Individuals | <input type="checkbox"/> Provider of Assistance to Homeless Individuals | <input type="checkbox"/> Other (Specify) _____ | |

IV. PROVIDE A WRITTEN DESCRIPTION OF PROGRAM OR SERVICES OFFERED, INCLUDING A DESCRIPTION OF FACILITIES OPERATED. (*REQUIRED*)

V. SOURCES OF FUNDING (Attach Supporting Documentation):

- Tax supported Grant Contributions Other (Specify) _____

VI. HAS THE ORGANIZATION BEEN DETERMINED TO BE TAX EXEMPT UNDER SECTION 501 OF THE INTERNAL REVENUE CODE OF 1954: _____ (*COPY REQUIRED*)

VII. HAS THE ORGANIZATION BEEN APPROVED, ACCREDITED, OR LICENSED? _____ (*COPY REQUIRED*) BY WHAT AUTHORITY? _____

VIII. _____
Date *Signature of Authorized Official*

 FOR STATE USE ONLY

The applicant has been determined as *eligible* *ineligible* *conditionally eligible*
 a public agency, *nonprofit education,* *nonprofit health*

Eligibility expires _____ Account # _____

_____ *Date* _____ *Director*

INSTRUCTIONS FOR COMPLETING THE APPLICATION FOR ELIGIBILITY FORM

(Please type or print in blue or black ink only)

SECTION I: Provide the full legal name of your organization on the first line of this section. Provide the mailing address of your organization as recognized by the U.S. Postal Service. Include ZIP Code. Provide the street address if different from mailing address, or provide directions if located on a rural route or other remote area. List the county in which the organization is actually located and a business telephone number with area code.

SECTION II: Check the appropriate box which describes your organization. (If you are unable to determine which status to check, please contact this office for assistance.)

SECTION III: Check the appropriate box or boxes (check as many as apply) which indicates the type or purpose of your organization. (Definitions have been provided on the reverse side of the application to assist in making this determination.)

SECTION IV: A comprehensive written description of all programs or services provided is required. A description of the operational facilities should also be included. Be sure to include information on staff and staff qualifications, hours of operation, services and programs offered, population or enrollment, fees charged etc. Include samples of pamphlets, catalogs, brochures or posters. If incorporated, include complete copy of Articles of Incorporation with all filing certificates and amendments, and a copy of your current by-laws.

SECTION V: Check the appropriate box which indicates the organization's sources of funding. Supporting documentation indicating the types and amounts of funding must be submitted with the completed application.

SECTION VI: All applicants making application as "Nonprofit, tax-exempt organizations" must provide a copy of the IRS determination letter indicating tax exemption under Section 501 of the IRS Code of 1954. The name of the organization on this IRS letter must match the name provided in Section I of this application, if not, include sufficient evidence such as amendments to Articles of Incorporation, or Assumed Name filing certificates to establish an "audit trail" of names showing the legal connection.

SECTION VII: Applicants making application as "Nonprofit, tax-exempt organization" are required to submit evidence that the applicant is currently approved, accredited, or licensed. Programs for older individuals must include evidence of funding under the Older Americans Act of 1965; Titles IV or XX of the Social Security Act; Titles VIII or X of the Economic Development Act of 1964; or the Community Services Block Grant Act. Providers of assistance to homeless individuals must include a letter from the mayor, county judge, city or county health officer or comparable authority which certifies that applicant is a "provider of assistance to the homeless". The certification must identify the service or assistance being provided and the number of individuals receiving such assistance.

SECTION VIII: Annotate date and provide an original signature of applicant's Authorized Official (President, Chairman of the Board, County Judge, Mayor, City Manager, Executive Director, Administrator, Fire Chief, or other comparable authorized official). Photo copied, rubber stamped, machine produced, carbon, or other facsimile type signatures are not acceptable.

NOTE: INCOMPLETE APPLICATIONS WILL NOT BE PROCESSED. USE THIS INSTRUCTION SHEET AS YOUR CHECKLIST TO ASSURE ALL REQUIRED INFORMATION AND DOCUMENTATION IS PROVIDED. IF YOU HAVE A QUESTION OR NEED ASSISTANCE CALL 831-6757.

NONDISCRIMINATION ASSURANCE

LEGAL NAME & MAILING ADDRESS OF APPLICANT ORGANIZATION:

Name of Organization

Mailing Address (P.O. Box #, Street, City & State) *Zip Code*

Street Address/Location (If different from mailing address)

County () *Telephone #*

_____, the donee,
(Name of Organization)

agrees that the program for or in connection with which any property is donated to the donee will be conducted in compliance with, and the donee will comply with and will require any other person (any legal entity) who through contractual or other arrangements with the donee is authorized to provide services or benefits under said program to comply with all requirements imposed by or pursuant to the regulations of the General Services Administration (41 C.F.R. 101-6.2 and 101-8) issued under the provisions of Title VI of the Civil Rights Act of 1964, as amended, 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, section 303 of the Age Discrimination Act of 1975, and the Civil Rights Restoration Act of 1987, to the end that no person in the United States shall on the ground of race, color, national origin, sex, or age, or that no otherwise qualified handicapped person shall solely by reason of the handicap, be excluded from participation in, be denied benefits of, or be subjected to discrimination under any program or activity for which the donee received Federal assistance from the General Services Administration; and hereby gives assurance that it will immediately take any measures necessary to effectuate this agreement.

The donee further agrees (1) that this agreement shall be subject in all respects to the provisions of said Federal statutes and regulations, (2) that this agreement obligates the donee for the period during which it retains ownership or possession of the property, (3) that the United States shall have the right to seek judicial enforcement of this agreement, and (4) that this agreement shall be binding upon any successor in interest of the donee and the word "donee" as used herein includes any such successor in interest.

(Date)

(Signature of Authorized Official)

DEFINITIONS

APPROVED – Recognition and approval by the State department of education, State department of health, or other appropriate authority where no recognized accrediting board, association, or other authority exists for the purpose of making an accreditation. For an educational institution or an educational program, approval must relate to academic or instructional standards established by the appropriate authority. An educational institution or program may be considered approved if its instruction and credits therefor are accepted by three accredited or State-approved institutions, or if it meets the academic or instructional standards prescribed for public schools in the State; i.e., the organizational entity or program is devoted primarily to approved academic, vocational (including technical or occupational), or professional study and instruction, which operates primarily for educational purposes on a full-time base for a minimum school year as prescribed by the State and employs a full-time staff of qualified instructors. For a public health institution or program, approval must relate to the medical requirements and standards for the professional and technical services of the institution established by the appropriate authority. A health institution or program may be considered as approved when a State body having authority under law to establish standards and requirements for public health institutions renders approval thereto whether by accreditation procedures or by licensing or such other method prescribed by State law. In the absence of an official State approving authority for public health institution or program or educational institution or program, the awarding of research grants to the institution or organization by a recognized authority such as the National Institutes of Health, the National Institute of Education, or by similar national advisory council or organization may constitute approval of the institution or program provided all other criteria are met.

Accredited – Approved by a recognized accrediting board or association, at a regional, State or national level such as a State board of education or health; the American Hospital Association; a regional or national accrediting association for universities, colleges, or secondary schools; or another recognized accrediting association.

Adult Day Care – A program of services provided under health leadership in an ambulatory care setting for adults who do not require 24 hour institutional care and yet, due to physical and/or mental impairment, are not capable of full-time independent living. Participants in the day care program are referred to the program by their attending physician or by some other appropriate source such as an institutional discharge planning program, a welfare agency, etc. The essential elements of a day care program are directed toward meeting the health maintenance and restorative needs of participants. However, there are socialization elements in the program which, by overcoming the isolation so often associated with illness in the aged and disabled, are considered vital for the purpose of fostering and maintaining the maximum possible state of health and well-being.

Child Care Center – A public or nonprofit facility where educational, social, health, and nutritional services are provided to children through age 14 or as prescribed the State law, and which is approved or licensed by the State or other appropriate authority as a child day care center or child care center.

Clinic – An approved public or nonprofit facility organized and operated for the primary purpose of providing outpatient public health services, including customary related services such as laboratories and treatment rooms.

College – An approved or accredited public or nonprofit institution of higher learning offering organized study courses and credits leading to a baccalaureate or higher degree.

Economic Development – A program(s) carried out or promoted by a public agency for public purposes which involves, directly or indirectly, efforts to improve the opportunities of a given political area for the successful establishment or expansion of industrial, commercial, or agricultural plants or facilities and which otherwise assists in the creation of long term employment opportunities in the area or primarily benefits the unemployed or those with low incomes. For public agency use may not act as a conduit for the transfer of property.

Educational Institution – An approved, accredited, or licensed public or nonprofit institution, facility, entity, or organization conducting educational programs including research for any such programs, such as a child care center, school, college, university, school for the mentally retarded, school for the physically handicapped, or an educational radio or television station.

Educational Radio Station – A radio station licensed by the Federal Communications Commission and operated exclusively for noncommercial educational purposes and which is public or nonprofit and tax-exempt under section 501 of the Internal Revenue Code of 1954.

Educational Television Station – A television station licensed by the Federal Communications Commission and operated exclusively for noncommercial educational purposes and which is public or nonprofit and tax-exempt under section 501 of the Internal Revenue Code of 1954.

Health Center – An approved public or nonprofit facility utilized by a health unit for the provision of public health services, including related facilities such as diagnostic and laboratory facilities and clinics.

Homeless Individual – An individual who lacks a fixed, regular and adequate nighttime residence or who has a primary nighttime residence that is: (1) a supervised publicly or privately operated shelter designed to provide temporary living accommodations (including welfare hotels, congregate shelters, and transitional housing for the mentally ill); (2) an institution that provides a temporary residence for individuals intended to be institutionalized; or (3) a public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings. For purposes of this regulation, the term does not include any individual imprisoned or otherwise detained pursuant to an Act of the Congress or a State law.

AUTHORIZED REPRESENTATIVES

I. LEGAL NAME & MAILING ADDRESS OF APPLICANT ORGANIZATION:

<hr/>		
<i>Name of Organization</i>	<i>E-mail address</i>	
<hr/>		
<i>Mailing Address (P.O. Box #, Street, City & State)</i>	<i>Zip Code</i>	
<hr/>		
<i>Street Address/Location (If different from mailing address)</i>		
<hr/>		
<i>County</i>	<i>Telephone #</i>	<i>Fax #</i>

II. THE FOLLOWING REPRESENTATIVES ARE DESIGNATED TO:

- A. Represent Donee Organization as its authorized agent; and
- B. Acquire Federal surplus property on behalf of the Donee Organization; and
- C. Obligate necessary Donee Organization funds for this purpose; and
- D. Execute Distribution Documents binding the Donee Organization to the terms, conditions, reservations, and restrictions applying to Property obtained through the agency.

III. _____ NEW DESIGNATIONS _____ ADDITIONAL DESIGNATIONS ONLY
(Delete all previous authorizations) (Add to previous authorizations)

IV. REPRESENTATIVES:

<i>Name</i>	<i>Title</i>	<i>Signature</i>
<hr/>	<hr/>	<hr/>

V. CERTIFICATION

<hr/>	<hr/>
<i>Date</i>	<i>Signature of Authorized Official</i>
	<hr/>
	<i>Title</i>

DEFINITIONS

Hospital – An approved or accredited public or nonprofit institution providing public health services primarily for inpatient medical or surgical care of the sick and injured, including related facilities such as laboratories, outpatient department, training facilities, and staff offices.

Library – A public or nonprofit facility providing library services free to all residents of a community, district, State or region.

Licensed – Recognition and approval by the appropriate State or local authority approving institutions or programs in specialized areas. Licensing generally relates to established minimum public standards of safety, sanitation, staffing, and equipment as they relate to the construction, maintenance, and operation of a health or educational facility, rather than to the academic, instructional, or educational or public health programs such as occupational training, physical or mental health rehabilitation services, or nursing care. Licenses frequently must be renewed at periodic intervals.

Local Government – A government, or administration of a locality, within a State or a possession of the United States.

Medical Institution – An approved, accredited, or licensed public or nonprofit institution, facility, entity, or organization the primary function of which is the furnishing of public health and medical services to the public at large or promoting public health through the conduct or research for any such purposes, experiments, training, or demonstrations related to cause, prevention, and methods of diagnosis and treatment of diseases and injuries. The term includes but is not limited to hospitals, clinics, alcoholic and drug abuse treatment centers, public health or treatment centers, research and health centers, geriatric centers, laboratories, medical schools, dental schools, nursing schools, and similar institutions. The term does not include institutions primarily engaged in domiciliary care although a separate medical facility within such a domiciliary institution may qualify as a “medical institution.”

Museum – A public or private nonprofit institution which is organized on a permanent basis essentially for educational or esthetic purposes and which, using a professional staff, owns or uses tangible objects, whether animate or inanimate; cares for these objects; and exhibits them to the public on a regular basis either free or at a nominal charge. As used in the Donation Program, the term “museum” includes, but is not limited to, the following institutions if they satisfy all other provisions of FPMR 101-44.207: aquariums and zoological park; botanical gardens and arboretums; museums relating to art, history, natural history, science, and technology; and planetariums. For the purposes of this program, an institution uses a professional staff if it employs full time at least one qualified staff member who devotes his or her time primarily to the acquisition, care, or public exhibition of objects owned or used by the institution. This definition of museum does not include any institution which exhibits object to the public if they display or use of the objects is only incidental to the primary function of the institution. For example, an institution which is engaged primarily in the sale of antiques, objects d’art, or other artifacts and which incidentally provides displays to the public of animate or inanimate object, either free or at a nominal charge, does not qualify as a museum.

Nonprofit Tax-Exempt Activity – An institution or organization, no part of the net earnings of which inures or may lawfully insure to the benefit of any private shareholder or individual, and which has been held to be tax-exempt under the provisions of section 501 of the Internal Revenue Code of 1954.

Program for Older Individuals – Any state or local government agency or any nonprofit, tax-exempt activity which receives funds appropriated for programs for older individuals under the Older Americans Act of 1965 as amended under Title IV or Title XX of the Social Security Act, or under Titles VIII and X of the Economic Opportunity Act of 1964 and the Community Services Block Grant Act.

Provider of Assistance to Homeless Individuals – A public or a nonprofit, tax-exempt institution or organization that operates a program which provides assistance such as food, shelter, or other services to homeless individuals, as defined above. Property acquired through the donation program by such institutions or organizations must be used exclusively in their program(s) for providing assistance to homeless individuals.

Public Health Institution – An approved, accredited, or licensed public or nonprofit institution, facility, entity, or organization conducting a public health program or program such as a hospital, clinic, health center, or medical institution, including research for any such program, the services of which are available to the public at large.

School – (except schools for the mentally retarded and schools for the physically handicapped) – A public or nonprofit approved or accredited organizational entity devoted primarily to approved academic, vocational, or professional study and instruction which operates primarily for educational purposes on a full-time basis for minimum school year and employs a full-time staff of qualified instructors.

School for the Mentally Retarded – A facility or institution operated primarily to provide specialized instruction to students of limited mental capacity. It must be public or nonprofit and must operate on a full-time basis for the equivalent of a minimum school year prescribed for public school instruction of the mentally retarded, have staff of qualified instructors, and demonstrate that the facility meets the health and safety standards of the State or local governmental body.

School for the Physically Handicapped – A school organized primarily to provide specialized instruction to students whose physical handicaps necessitate individuals or group instruction. The schools must be public or nonprofit and operate on a full-time basis for the equivalent of a minimum school year prescribed for public school instruction for the physically handicapped, have a staff of qualified instructors, and demonstrate that the facility meets the health and safety standards of the State or local governmental body.

University – A public or nonprofit approved or accredited institution for instruction and study in the higher branches of learning and empowered to confer degrees in special departments or colleges.

CERTIFICATES AND AGREEMENTS

1. DONEE

(a) The donee hereby certifies that:

(1) It is a tax-supported or non-profit and tax-exempt (under Sec. 501(c)(3) of the Internal Revenue Code of 1964, or Sec 101(6) of the Internal Revenue Code of 1939) school system, school, college, university, school for the mentally retarded or physically handicapped, public library, educational radio or educational television station, medical institution, hospital, clinic or health center, or a civil defense organization designated pursuant to State Law, within the meaning of the Act, and the regulations of the Department of Health, Education, and Welfare.

(2) The property requested by this document is usable and necessary in the State for either educational, public health or civil defense purposes as indicated on the reverse side of this form including research for any such purpose, is required for its own use to fill an existing need, and is not being acquired for any other use or purpose, for use outside the State, or for sale.

(3) Funds are available to pay the costs of caring and handling incident to donation, including packing, preparation for shipping, loading, and transporting such property.

(4) This transaction shall be subject to the regulations governing the donation of surplus personal property issued under Title VI of the Civil Rights Act of 1964.

2. (a) FEDERAL TERMS AND CONDITIONS APPLICABLE TO ALL PROPERTY, REGARDLESS OF ACQUISITION COST DONATED FOR HEALTH OR EDUCATIONAL PURPOSES:

(1) The Department of Health, Education, and Welfare is hereinafter referred to as the Department.

(2) Property acquired by a donee shall be on an "as is," "where is" basis without warranty of any kind.

(3) Cannibalization or Secondary Utilization will not be performed without prior written approval of the Department.

(b) ADDITIONAL TERMS AND CONDITIONS APPLICABLE TO PROPERTY HAVING A SINGLE ITEM ACQUISITION COST OF \$2,500 OR MORE DONATED FOR HEALTH OR EDUCATIONAL PURPOSES, EXCEPT VESSELS 50 FEET OR MORE IN LENGTH AND AIRCRAFT.

(1) Such property shall be used only for the health or educational purpose for which acquired, including research for any such purpose, and for no other purpose.

(2) Such property shall be placed in use for the purpose for which acquired no later than 12 months after acquisition thereof. In the event such property is not placed in use within 12 months of receipt, the donee, within 30 days after the expiration of the 12 months period, shall notify the Department in writing through the State agency. Title and right to the possession of such property not so placed in use within the above mentioned period shall at the option of the Department revert to the United States of America and upon demand the donee shall release such property to such person as the Department or its designee shall direct.

(3) There shall be a period of restriction which will expire after such property has been used for the purpose of which acquired for a period of 4 years, except that the period of restriction on motor vehicles will expire after a period of 2 years of such use. "Motor Vehicles" means property in Federal Supply Classification Group 23.

(4) During the period of restriction the donee shall not sell, trade, lease, lend, bail, cannibalize or use for secondary utilization purposes, encumber, or otherwise dispose of such property or remove it for use outside the State without prior written approval of the Department. Any sale, trade, lease, loan, bailment, encumbrance, or other disposal of the property, when such action is authorized by the Department, shall be for the benefit and account of the United States of America and the gross proceeds thereof shall be received and held in trust for the United States of America and shall be paid promptly to the Department, except in those instances in which the Department determines that the Government's administrative costs in connection with receipt thereof will exceed such gross proceeds.

(5) In the event such property is sold, traded, leased, loaned, bailed, cannibalized or used for secondary utilization purposes, encumbered, or otherwise disposed of during the period of restriction without prior written approval of the Department, the donee, at the option of the Department, shall be liable to the United States of America for the proceeds of the disposal or for the fair market value of the property at the time for such disposals as determined by the Department.

(6) If during the period of restriction, property is no longer suitable, usable, or further needed by the donee for the purpose for which acquired, the donee shall promptly notify the Department through the State agency, and shall, as directed by the Department or State agency return the property to the State agency, release the property to another donee, a department or agency of the United States, sell, or otherwise dispose of the property. Any sale shall be for the benefit and account of the United States of

America and the gross proceeds thereof shall be received and held in trust for the United States of America and shall be paid promptly to the Department, except in those instances in which the Department determines that the Government's administrative costs in connection with receipt thereof will exceed such gross proceeds.

(7) Donee shall make reports to the State agency on the use, condition, and location of such property, and on other pertinent matters as may be required from time to time by the State agency or the Department.

(8) At the option of the Department, the donee may abrogate the terms and conditions set forth in (b)(1) through (b)(7) above by payment of an amount as determined by the Department.

(9) Where a donee carries insurance against damages to or loss of property due to fire or other hazards and where loss of or damage to donated Federal surplus personal property, with unexpired Federal restrictions, occurs, the Department will be entitled to reimbursement by the donee, from the insurance proceeds, of an amount equal to the unamortized portion of the fair value of the damaged or destroyed donated terms.

3. TERMS AND CONDITIONS APPLICABLE TO ALL PROPERTY, REGARDLESS OF ACQUISITION COST, DONATED FOR CIVIL DEFENSE PURPOSES:

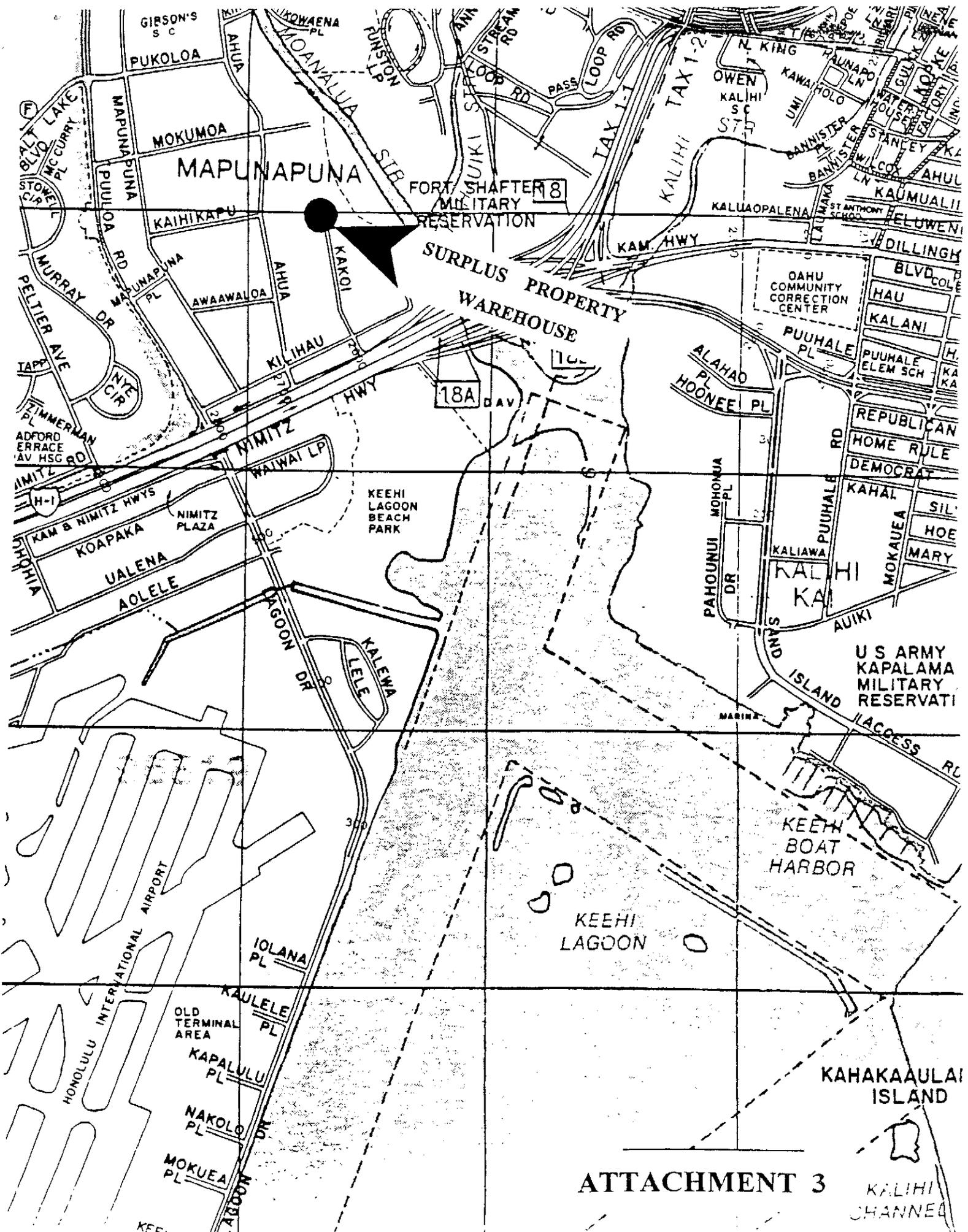
Property donated for civil defense purposes shall be in accordance with CFR, Title 32, National Defense, Chapter XVIII, Office of Civil Defense, Office of the Secretary of the Army, Part 1802, Donation of Federal Surplus Personal Property for civil defense purposes.

4. TERMS AND CONDITIONS APPLICABLE TO THE DONATION OF AIRCRAFT HAVING AN ACQUISITION COST OF \$2,500 OR MORE, REGARDLESS OF THE PURPOSE FOR WHICH ACQUIRED.

Title to aircraft shall pass from the United States of America to the donee upon execution and delivery of an Aircraft Conditional Transfer Document containing the terms and conditions provided for in the regulations of the Department.

5. TERMS AND CONDITIONS APPLICABLE TO THE DONATION OF VESSELS 50 FEET OR MORE IN LENGTH AND HAVING AN ACQUISITION COST OF \$2,500 OR MORE, REGARDLESS OF THE PURPOSE FOR WHICH ACQUIRED:

Title to vessels shall pass from the United States of America to the donee upon execution and delivery of a Vessel Conditional Transfer Document containing the terms and conditions provided for in the regulations of the Department.



ATTACHMENT 3

KALIHU CHANNEL

Surplus Property Office
729 Kakoi Street
Honolulu, Hawaii 96819
SPB Form No. 3
Rev. 01/2014

CERTIFICATION AND AGREEMENT
FOR PARTICIPATION IN THE FEDERAL SURPLUS PERSONAL PROPERTY PROGRAM

We, _____, the donee,
(Legal Name of Organization)

certify and agree to the following certifications, terms, and conditions governing the acquisition of federal surplus personal property from the Surplus Property Office, Department of Accounting and General Services, State of Hawaii (hereinafter referred to as the "State Agency").

(a) THE DONEE CERTIFIES THAT:

- (1) It is a public agency; or a nonprofit educational or public health institution or organization exempt from taxation under section 501 of the Internal Revenue Code of 1954; within the meaning of section 203(j) of the Federal Property and Administrative Services Act of 1949, as amended, and the regulations of the Administrator of General Services.
- (2) If a public agency, the property is needed and will be used by the recipient for carrying out or promoting for the residents of a given political area one or more public public purposes, or, if a nonprofit tax-exempt institution or organization, the property is needed for and will be used by the recipient for educational or public health purposes, and including research for such purpose. The property is not being acquired for any other use or purpose, or for sale or other distribution; or for permanent use outside the State, except with prior approval of the State Agency.
- (3) Funds are available to pay all costs and charges incident to donation.
- (4) This transaction shall be subject to the nondiscrimination regulations governing the donation of surplus personal property issued under Title VI of the Civil Rights Act of 1964, Title VI Section 606 of the Federal Property and Administrative Services Act of 1949, as amended, and 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.

(b) THE DONEE AGREES TO THE FOLLOWING FEDERAL CONDITIONS:

- (1) All items of property shall be placed in use for the purpose for which acquired within one year of receipt and shall be continued in use for such purposes for one year from the date the property was placed in use. In the event the property is not so placed in use, or continued in use, the donee shall immediately notify the State Agency, and at the donee's expense, return such property to the State Agency, or otherwise make the property available for transfer or other disposal by the State Agency, provided the property is still usable as determined by the State Agency.
- (2) Such special handling or use limitations as are imposed by General Services Administration (GSA) on any item(s) of property listed hereon.
- (3) In the event the property is not so used or handled as required by (b)(1) and (2), title and right to the possession of such property shall at the option of GSA revert to the United States of America and upon demand the done shall release such property to such person as GSA or its designee shall direct.

(c) THE DONEE AGREES TO THE FOLLOWING CONDITIONS IMPOSED BY THE STATE AGENCY, APPLICABLE TO ITEMS WITH A UNIT ACQUISITION COST OF \$3,000 OR MORE AND PASSENGER MOTOR VEHICLES, REGARDLESS OF ACQUISITION COST, EXCEPT VESSELS 50 FEET OR MORE IN LENGTH AND AIRCRAFT:

- (1) The 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 36 months from the date the property is placed in use, except that the period of restriction on passenger motor vehicles, regardless of acquisition cost, will expire after a period of 24 months of such use.
- (3) In the event the property is not so used as required by (c)(1) and (2) and Federal restrictions (b)(1) and (2) have expired then title and right to the possession of such property shall at the option of the State Agency revert to the State of Hawaii and the donee shall release such property to such person as the State Agency shall direct.

(d) THE DONEE AGREES TO THE FOLLOWING TERMS, RESERVATIONS AND RESTRICTIONS:

- (1) From the date it receives the property listed hereon and through the period(s) of time the conditions imposed by (b) and (c) above remain in effect, the donee shall not sell, trade, lease, lend, bail, cannibalize, encumber, or otherwise dispose of such property, or remove it permanently, for use outside the State, without the prior approval of GSA under (b) or the State Agency under (c). The proceeds from any sale, trade, lease, loan, bailment, encumbrance or other disposal of the property, when such action is authorized by GSA or by the State Agency, shall be remitted promptly by the donee to GSA or the State Agency, as the case may be.
- (2) In the event any of the property listed hereon is sold, traded, leased, loaned, bailed, cannibalized, encumbered, or otherwise disposed of by the donee from the date it receives the property through the period(s) of time the conditions imposed by (b) and (c) remain in effect, without the prior approval of GSA or other State Agency, the donee, at the option of GSA or the State Agency shall pay to GSA or the State Agency, as the case may be, the proceeds of the disposal or for the fair market value or the fair rental value of the property at the time of such disposal, as determined by GSA or the State Agency.
- (3) If at any time, from the date it receives the property through the period(s) of time the conditions imposed by (b) and (c) remain in effect, any of the property listed hereon is no longer suitable, usable, or further needed by the donee for the purpose(s) for which acquired, the donee shall promptly notify the State Agency, and shall, as directed by the State Agency, return the property to the State Agency, release the property to another donee or another State Agency, a department or agency of the United States, sell or otherwise dispose of the property. The proceeds from any sale shall be remitted promptly by the donee to the State Agency.
- (4) The donee shall make reports to the State Agency on the use, condition, and location of the property listed hereon, and on other pertinent matters as may be required from time to time by the State Agency.
- (5) At the option of the State Agency, the donee may abrogate the conditions set forth in (c) and the terms, reservations and restrictions pertinent thereto in (d) by payment of an amount as determined by the State Agency.

(e) THE DONEE AGREES TO THE FOLLOWING CONDITIONS, APPLICABLE TO ALL ITEMS OF PROPERTY LISTED HEREON:

- (1) The property acquired by the donee is on an "as is," "where is" basis, without warranty of any kind.
- (2) Where a donee carries insurance against damages to or loss of property due to fire or other hazards and where loss of or damage to donated property with unexpired terms, conditions, reservations, or restrictions, occurs, the State Agency will be entitled to reimbursement from the donee out of the

insurance proceeds, of an amount equal to the unamortized portion of the fair value of the damaged or destroyed donated items.

(f) TERMS AND CONDITIONS APPLICABLE TO THE DONATION OF AIRCRAFT AND VESSELS (50 FEET OR MORE IN LENGTH) HAVING AN ACQUISITION COST OF \$3,000 OR MORE, REGARDLESS OF THE PURPOSE FOR WHICH ACQUIRED:

(1) The donation shall be subject to the terms, conditions, reservations, and restrictions set forth in the conditional Transfer Document executed by the authorized donee representative.

(g) THE DONEE AGREES TO THE FOLLOWING TERMS AND CONDITIONS IMPOSED BY THE STATE AGENCY APPLICABLE TO ITEMS WITH A UNIT ACQUISITION COST OF UNDER \$3,000:

- (1) The State Agency may at its discretion, and when considered appropriate, impose reasonable terms, conditions, reservations, and restrictions on the use of donable property items other than those with a unit acquisition cost of \$3,000 or more, and passenger motor vehicles.
- (2) The State Agency will impose on the donation of any surplus item of property, regardless of acquisition cost, such conditions involving special handling or use limitations as General Services Administration may determine necessary because of the characteristics of the property.

NAME OF DONEE AGENCY _____ TELEPHONE _____

ADDRESS _____

CITY _____ ZIP _____

NAME OF AUTHORIZED REPRESENTATIVE
(PLEASE PRINT) _____

By _____
SIGNATURE OF AUTHORIZED REPRESENTATIVE

I hereby further designate the following to be authorized representatives:

NAME (PLEASE PRINT) _____ SIGNATURE _____ TITLE _____
