

Tribal Procedures

Surplus and Excess Property

There are 3 primary processes that will be used by Tribes with FHWA Tribal Transportation Program Agreements who are interested in screening and acquiring excess and surplus government property through FHWA. These are as follows:

- Registration
- Screening and Requesting Property
- Property Reporting

Each of these processes are described below showing the steps that must be followed to pursue excess and surplus property. A flowchart is also provided in [Appendix A](#). A list of [Frequently Asked Questions \(FAQ\)](#) may also be found on the Office of Tribal Transportation (OTT) webpage providing additional information.

If you have additional questions on this process, please contact your designated FHWA Tribal Coordinator (TC) or Kevin Spohrer, Office of Tribal Transportation Property Manager (OTTPM), by email at kevin.spohrer@dot.gov or by phone at (360) 619-7859.

Registration

For Tribes requesting access to GSAXcess.gov and the FHWA Tribal Property Tracking System:

1. Tribes will need to register for the Federal Highway Administration (FHWA) Tribal Property Tracking System by visiting the [FHWA Office of Tribal Transportation Surplus and Excess Property webpage](#) and clicking on the registration link (<https://surveys.max.gov/313263>).
2. After registration, a unique link will be provided to the Tribe by email (see example in [Appendix B](#)). **It is important for the Tribe to save this email with the link indefinitely as this link will need to be used to access the FHWA Tribal Property Tracking System when requesting property.**
3. The Tribe will be provided a template letter (request for access letter) (see [Appendix C](#)) to copy to their Tribal letterhead and send a signed copy by email to their FHWA Tribal Coordinator (TC). The Tribe will also need to send their procurement and property management policies with this request for access letter.
4. If all the requirements to gain access are met (see adjacent side panel and [question 4 of the FAQ](#)), a Memorandum of Understanding (MOU) (see [Appendix D](#)) will be sent to the Tribe via the TC.
5. The Tribe will need to return a signed copy of the MOU to the TC by email.
6. Once the GSAXcess.gov account is created, the Tribe will receive an email notification.

To qualify for a MOU with FHWA, a Tribe must have written procurement/property management policies that demonstrate controls that ensure proper use, prevent unauthorized use, provide for adequate care and maintenance, provide for an inventory of items acquired, and document disposition methods of property.

A Tribe must also have demonstrated timely reporting for the previous two years and three years of single audits without unresolved findings, or equivalent financial review.

Screening and Requesting Property

For Tribes requesting property from GSAXcess.gov:

1. The Tribe may search for property they wish to acquire by logging in at the GSAXcess.gov website.
2. After property has been identified, the Tribe will request the property in GSAXcess.gov and a property transfer order (SF-122) will be automatically generated and emailed to the Tribe.
3. The Tribe will also need to access the FHWA Tribal Property Tracking System and enter the property information. The Tribe may access the FHWA Tribal Property Tracking System by using the unique link provided to them in the email they received after registering in the system.
4. A Report of Transfer of Property to a Federally Recognized Tribe (FHWA-1363-T) will be automatically generated and emailed to the Tribe.
5. Both the property screener and the individual authorized to make financial commitments for the Tribe will need to sign the FHWA-1363-T.
6. The signed FHWA-1363-T should be sent to the TC as soon as possible for FHWA review and processing.
 - a. **There is only a 10-day window to get the FHWA-1363-T approved by both the Tribe and FHWA. This 10-day window begins when the original request is made by the Tribe in GSAXcess.gov (step 2).**
7. If FHWA approves the transfer, another SF-122 will automatically be issued by GSAXcess.gov
8. A final SF-122 will be issued once GSA has made a decision on the property recipient. Wait for this third version of the SF-122 then contact the GSA property custodian and arrange for pickup/delivery. Please note the following:
 - a. While there is usually no cost to take custody of property, a Tribe is responsible for all shipping costs or costs associated with picking up the property and delivering it to the Tribe's location. Tribal Transportation funds may be used for this expense if the activity was reflected on their Tribal Transportation Improvement Program (TTIP).
 - b. Condition of property varies. Items may be in fair condition or may require substantial repairs to become functioning.
 - c. There may be instances where the Tribe will not be able to visually inspect the property prior to requesting the property. This may be the case where property is stored on military bases. If the Tribe is selected to receive the property that has not been inspected, the Tribe may refuse to take possession, if deemed necessary.
9. The Tribe should notify the TC after delivery or refusal of property.

Property that FHWA approves for transfer to a Tribe must support transportation activities eligible under the FHWA Program Agreement and the primary use of the property is to support the Tribe's transportation department.

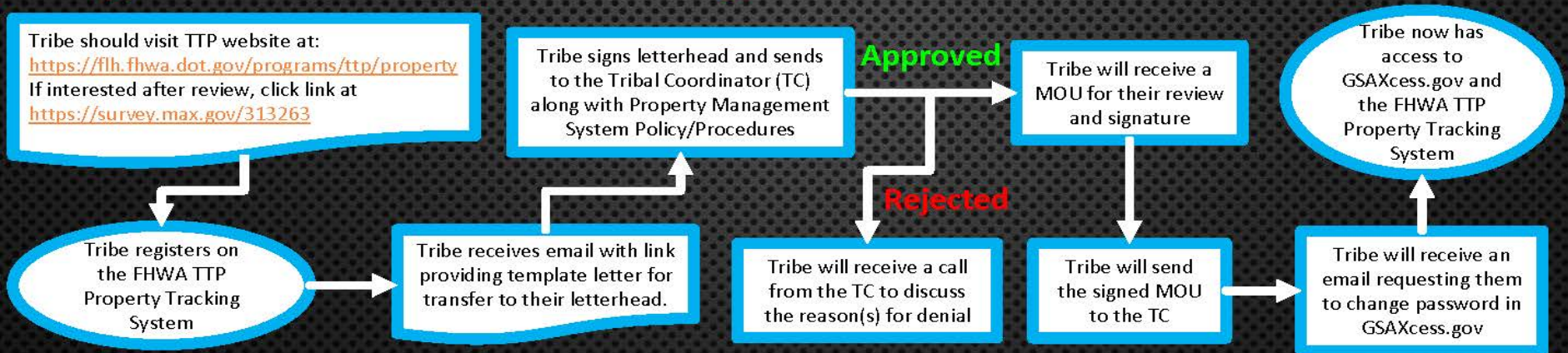
Property Reporting

For Tribes reporting on property received from GSAXcess.gov:

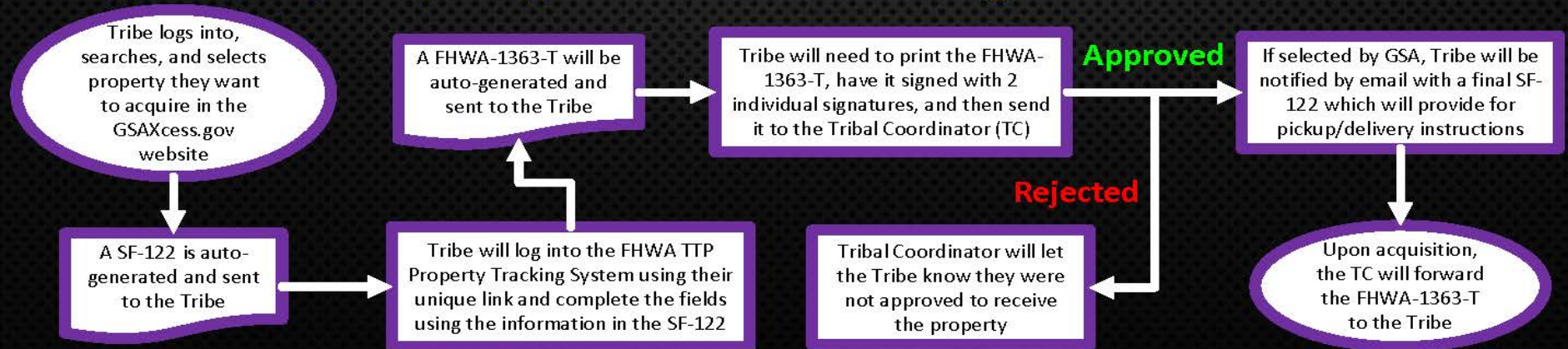
1. Each year on or around October 1, the Tribe will receive a spreadsheet (See [Appendix E](#)) from the TC showing an inventory of all property greater than \$5000 acquired from GSAXcess.gov.
2. The Tribe will need to complete this spreadsheet and email it back to the TC within 90 days.
3. FHWA may conduct onsite inspections of any transferred property and property management systems.

Flowcharts

Registration for GSAXcess.gov



Requesting Property from GSAXcess.gov



Reporting on GSAXcess.gov



Appendix B:

From: [FHWA TTP Property Management via MAX Survey](#)
To: [Spohrer, Kevin \(FHWA\)](#)
Subject: SAVE THIS EMAIL - Access to FHWA Tribal Property Tracking System
Date: Wednesday, January 02, 2019 11:10:55 AM

Save this email!

You will need the provided link every time you access the dashboard.

Do not respond directly to this email.

If you have a question about this survey, email the Survey Administrator directly at Adam.Larsen@dot.gov

Thank you for your interest in using surplus and excess government property in support of the Tribal Transportation Program. Your account is now active.

Access to the FHWA Tribal Property Tracking System

Save this email. Every time you want to access the property tracking system you will need the following link. The system is used to gain FHWA agency approval of property transfer requests that have first been submitted on GSAccess.gov.

SAVE THIS LINK AND DO NOT SHARE IT WITH OTHERS

Click here to access the dashboard:

<https://survey.max.gov/index.php/survey/index/sid/313263/token/udb2z6s7jafxa8q79/lang/en>

Appendix C:

Template letter to request a GSAccess.gov account:

Office of Tribal Transportation
Federal Highway Administration
610 E 5th Street
Vancouver, WA 98661
SENT BY ELECTRONIC MAIL TO Adam.Larsen@dot.gov

RE: Request for GSAccess.gov Account

To Adam Larsen,

is a Federally Recognized Tribe listed in 77 FR 47868. I hereby formally request that the Tribe be issued an Activity Address Code (AAC) and GSAccess.gov account to access surplus and excess government equipment as allowed by the Indian Self-Determination and Education Assistance Act (ISDEAA) and 41 CFR 102.

The Tribe certifies that the following conditions have been met: timely reporting for the previous two years; three years of single audits without unresolved findings; and, an established property management system.

The Tribe anticipates the use of acquired surplus and excess government materials and equipment will greatly improve implementation of our Tribal Transportation Program in partnership with the Federal Highway Administration.

The property screener access is being requested for the following person who is employed by the Tribe:

Mailing Address:

Billing Address:

Freight Delivery Address:

Signed,

Date:

Attached: Property Management Policies

Use of Government Excess or Surplus Personal Property by Tribal Governments

I. Purpose:

- A. This document is an Agreement between the Federal Highway Administrations (FHWA) and the << **TRIBE NAME** >> (hereinafter referred to as “Tribe”) (“the Parties”) that outlines the responsibilities associated with the acquisition and use of excess or surplus personal property through the General Services Administration’s (GSA) Federal Excess Personal Property Utilization Program at GSAXcess.gov.
- B. The goals and objectives of this Agreement are to:
- Optimize delivery of the FHWA’s Tribal Transportation Program (TTP) by allowing the Tribes to access excess or surplus government personal property that may otherwise be purchased using TTP funds.
 - Document a common understanding between the FHWA and Tribes of the allowable uses of the personal property.
 - The intent of this arrangement is to allow Tribes to acquire personal property that will support project delivery and assist in capacity building for the Tribe’s transportation program.
 - Excessive acquisition of property that is quickly sold may impact FHWA’s ability to approve future acquisitions.

II. The Parties Agree to the Following Terms:

To meet these goals and objectives, the FHWA and the Tribe agree that:

- The primary use of excess or surplus personal property is for TTP purposes. Each request for personal property shall include a brief statement indicating how the property is appropriate for use for an activity under the Tribal Transportation Program Agreement.
- Excess or surplus personal property is made available to the Tribe at no cost in most cases. The Tribe is responsible for the cost of shipping the property both at acquisition and when the property is returned, if equipment is to be returned to the Federal Government.
- All costs associated with securing the property are the responsibility of the Tribe and these costs are eligible activities under the TTP (shipping, travel, repairs, administration, etc.).
- Title to any donated excess or surplus Federal personal property shall vest in the Indian Tribe or Tribal organization upon taking possession.
- The FHWA will initiate an annual call to the Tribes for inventory of all equipment the Tribe secured under the Program. The Tribe shall report on the required information regardless of whether the equipment is in the Tribe’s possession or another Tribe’s possession under a pooling agreement and whether or not title has passed to the Tribe.
- The Tribe shall respond to the inventory request within 90 days of receipt of the request and shall provide the location, condition and picture of the equipment, and other requisite information deemed necessary by FHWA.

III. Administration of the Agreement:

This Agreement is an understanding between the signatories of the Agreement as to each Party's role and responsibilities.

- A. The following individuals shall serve as the point of contact for the administration of the Agreement. All questions and matters of concern shall be addressed through these individuals:

For FHWA:

Kevin Spohrer
FHWA Tribal Transportation Program
360-619-7859 phone
360-619-7846 fax
Kevin.Spohrer@dot.gov 610 E
5th Street Vancouver, WA
98661

For the Tribe:

Name: _____

Telephone: _____

Fax: _____

Email: _____

Mailing Address: _____

Billing Address: _____

Physical Address: _____

- B. The Agreement may be terminated by either party upon written notice of the other party, granting a 60-day termination period.

<< **TRIBE NAME** >>>

Note: Signatory for the Tribe must be authorized to make financial commitments.

**U.S. Department of Transportation
Federal Highway Administration**

By _____
<<TRIBE SIGNATORY>>,
<< SIGNATORY TITLE >>

By _____
Timothy Hess, Associate Administrator
Office of Federal Lands Highway

Date

Date

Appendix E:

Spreadsheet with pictures - Excel | Spohrer, Kevin (FHWA) | Share

File Home Insert Page Layout Formulas Data Review View Developer Tell me what you want to do

Normal Page Break Page Custom Ruler Formula Bar Gridlines Headings Zoom 100% Zoom to Selection New Window Arrange All Freeze Panes Split Hide Synchronous Scrolling Switch Windows Macros

Workbook Views Show Zoom Window Macros

A2

	A	B	C	D	E	F	G	H	I	J	K	L
1	Tribe Name	Tribal Contact	Tribal Coordinator	Item Name	Item Control Number	Original Acquisition Cost (\$)	Location	Property Status	Description of Status	Date of Disposition	Photo	If you are unable to upload the photos, type the file name of the photo into the cell and then send the same file named photo attached in an email to your FHWA Tribal Coordinator.
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