



Department of
General Services

2021 Compliance Report and Implementation Plan for Title VI of The Civil Rights Act of 1964

Department of General Services | FY 2020-2021



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SECTION 2

OVERVIEW - DEPARTMENT OF GENERAL SERVICES

A. Overview of the Department

The Department of General Services was established by Tennessee Code Annotated (TCA) § 4-3-1101. The function of the Department is to act as a service provider to other state agencies by coordinating and administrating the State's purchases, real property, personal properties, printing, motor vehicles, surplus property, postal services, and general public works services, as well as other support services not specifically assigned by law to other departments. In addition to the administrative staff, the Department is divided into several divisions that provide services to other State agencies. These are:

- 1. Vehicle and Asset Management:** This division is responsible for the management and maintenance of State vehicles utilized by State departments, offices, and agencies. The Division establishes policies and procedures to affect the best maintenance, repair, operation, and administration of the fleet consistent with safety and service. In addition, the division is responsible for the redistribution of governmental property declared as surplus by a State agency or the Federal government. This property is redistributed to other State agencies and eligible recipients as needed.
- 2. Document Solutions:** This division provides a full range of services including graphic design, photography, printing, copying, and binding services, to State agencies, other government agencies, non-profit agencies, and charities. This division also provides storage and distribution services for a variety of forms, envelopes, and other printed materials. This division also houses the centralized mail services for State agencies in Davidson County. It is the recognized liaison between State government and the U.S. Postal Service.
- 3. State of Tennessee Real Estate Asset Management:** This division is dedicated to operating, managing, and maintaining the State's real estate assets and needs, in a manner that ensures a comfortable, safe, and secure working environment for State tenants, employees, and guests.
- 4. Central Procurement Office:** The Central Procurement Office was created by Chapter 1098 of the Public Acts of 2010 with the goal of making the procurement and contracting processes faster and easier, while ensuring transparency and creating cost savings.

Governor's Office of Diversity Business Enterprise: This office, housed within the Central Procurement Office, is charged with coordinating and directing the Executive Branch's efforts in assisting minority-owned, women-owned, service-disabled veteran-owned, and small businesses in participating in bids and contracting opportunities within the State procurement processes. In accordance with TCA §12-3-1107, the Department issues an annual report to the Governor and members of the Tennessee General Assembly regarding the activities of this Office. The public report outlines the purpose, goals, and achievements of the Office.

Appendix A displays the organizational chart for the department.

The primary goal of the Department's Title VI Program is to ensure that all staff, contractors, and service beneficiaries are aware of the provisions of Title VI and the responsibilities associated with Title VI of the Civil Rights Act of 1964. TCA § 4-21-203 requires each State agency to develop a Title VI Implementation Plan. Each State governmental entity must submit an updated plan annually to the Human Rights Commission by October 1st.

B. Mission Statement

The Department of General Services' mission is serving as a trusted partner to deliver mission focused general services to support state government.

SECTION 3
RESPONSIBLE OFFICIALS

A. The responsible State official charged with ensuring that the Department of General Services complies with Title VI is:

Christi W. Branscom, Commissioner
Department of General Services
Tennessee Tower, 22nd Floor
312 Rosa L. Parks Avenue
Nashville, TN 37243

Signature

B. The Title VI Coordinator assigned with the task of developing and drafting the annual implementation plan is:

Abdul Fathi, Title VI Coordinator
Department of General Services
Tennessee Tower, 22nd Floor
312 Rosa L. Parks Avenue
Nashville, TN 37243

Signature

SECTION 4
DEFINITIONS

- A. **Beneficiary:** Any person or group of persons (other than States) entitled to receive benefits, directly or indirectly, from any Federally-assisted program.
- B. **Commissioner:** Commissioner of the Department of General Services.
- C. **Complaint:** A written allegation of discrimination, which indicates that a program is operated in such a manner that it results in disparity of treatment to persons or groups of persons because of race, color, or national origin.
- D. **Compliance:** Fulfillment of the requirement of Title VI, other applicable laws, implementing regulations and instructions to the extent that no distinctions are made in the delivery of any service or benefit based on race, color, or national origin.
- E. **Compliance Reviews:** Conducted by means of either regular inspections of Department programs to determine compliance with Title VI requirements (which may be conducted by means of on-site visits), or desk (structured paper) reviews of programs and associated documentation.
- F. **Contractor:** An individual, group, or company that agrees to perform services or provide commodities at an agreed upon price pursuant to a contract.
- G. **DGS:** The Department of General Services.
- H. **DOHR:** The Department of Human Resources.
- I. **Donees:** Recipients of Federal and/or State surplus property from DGS' Vehicle and Asset Management Division.
- J. **Limited English Proficiency (LEP):** A person who does not speak English as their primary language and has a limited ability to read, speak, write, or understand English.
- K. **Monitoring:** A review process used to determine compliance with the requirements of a State and/or Federal program, applicable laws and regulations, and stated results and outcomes.
- L. **Recipient:** Any state, territory, possession, the District of Columbia, Puerto Rico, or any political subdivision, or instrumentality thereof, or any public or private agency, institution, or organization, or other entity, or any individual, in any state, territory, possession, the District of Columbia, or Puerto Rico, to whom Federal assistance is extended, either directly or through another recipient, for any program. Recipient includes any successor, assignee, or transferee thereof. The term recipient does not include any ultimate beneficiary under any such program.
- M. **Title VI Coordinator:** A position designated by the DGS Commissioner to ensure compliance with Title VI Program requirements.

SECTION 5
NON-DISCRIMINATORY POLICY

The Department's Title VI and non-discrimination policies and statements are as follows:

Policy Compliance Statement

The Department of General Services, State of Tennessee, complies with Title VI of the Civil Rights Act of 1964, as codified in 42 U.S.C. 2000d, which states that: "No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subject to discrimination under any program or activity receiving federal financial assistance."

Affirmative Action/Equal Employment Opportunity

Pursuant to State and Federal law, the Department of General Services does not discriminate on the basis of race, color, age, national origin, religion, sex, disability, pregnancy, veteran status, or any other category protected by State and/or Federal civil rights laws. It is the policy of the State of Tennessee, in all of its decisions, programs, and activities, to promote equal employment opportunity and to eliminate unlawful discrimination. Equal Employment/Affirmative Action inquiries should be directed to the Department of General Service's DOHR Business Partner, Melissa Thomas (615-741-1037).

Americans with Disabilities Act (ADA)

It is the policy of the Department of General Services to comply with all Federal and State laws concerning the employment of persons with disabilities. The Department prohibits discrimination and harassment against any qualified individual with a qualified disability as defined by the Americans with Disabilities Act and the Americans with Disabilities Act Amendment Act (ADA/ADAAA). Furthermore, the Department of General Services shall comply with applicable requirements set forth by the Rehabilitation Act of 1973, the Department of Human Resources Rules and Regulations, and any other applicable laws that pertain to disability non-discrimination. Anyone wishing to request an accommodation under the ADA should contact the Department's ADA Coordinator at 615-741-1037.

Tennessee Human Rights Commission (THRC) Requests

The Department of General Services, its subrecipients or contractors shall make available any compliance report for review by the THRC upon request.

SECTION 6 ORGANIZATION

The Commissioner of the Department has assigned Title VI responsibilities and the title of Title VI Coordinator to Abdul Fathi, within the Office of Internal Audit. The Title VI Coordinator is charged with the responsibility of implementing, monitoring, and ensuring the Department's compliance with Title VI regulations.

Title VI Coordinator Responsibilities are as follows:

1. Receive and process the disposition of Title VI complaints;
2. Review annual Title VI reviews of DGS program areas performed by division representatives to determine the effectiveness of program activities at all levels;
3. Coordinate training programs on Title VI for Title VI Division Representatives and recipients of Federal property;
4. Establish procedures for promptly resolving deficiency status and reducing to writing the remedial action agreed to be necessary, all within a period not to exceed 30 days. See **Appendix B - Title VI Policy**;
5. Prepare annual Title VI Implementation Plan as required by the THRC.

Divisional Title VI Representatives are a key component in assisting the Title VI Coordinator in fostering the Department's mission to ensure compliance with Title VI Regulations. The following staff members have been designated to ensure compliance within their Divisions.

TITLE VI DIVISION REPRESENTATIVES	
Daphne Hall State of TN Real Estate Asset Management 615-218-0719	Marva Bradford Office of Financial Management 615-741-8635
Helen Crowley Central Procurement Office 615-741-3836	Monique Taylor Vehicle & Asset Management 615-253-4752
Austin Long Document Solutions 615-741-4198	

Responsibilities of the Title VI Division Representatives are as follows:

1. Serve as the point of contact for division Title VI complaints.
2. Disseminate Title VI information to the public and, where appropriate, in languages other than English. See **Appendix C – Title VI LEP Policy**.
3. Conduct quarterly compliance audits of program activities, applicable contracts, and donees.
4. Report Title VI noncompliance issues to the Title VI Coordinator and appropriate supervisor.
5. Prepare a final monitoring report of Title VI findings to the Title VI Coordinator.

SECTION 7 **DISCRIMINATORY PRACTICES**

The following activities would be considered discriminatory practices under Title VI:

- Denying any individual any service, financial aid, or other benefits offered by the Department because of their race, color, or national origin.
- Treating individuals differently because of their race, color, or national origin.
- Using methods which directly or indirectly, through contractual relationships, defeat or substantially impair the accomplishment of the effective non-discriminatory practices.

The Department does not provide services directly to individuals, the Department's primary customers are other state agencies. As such, we are unable to provide examples of potential discriminatory practices in relation to services provided to individuals.

SECTION 8

FEDERAL PROGRAMS OR ACTIVITIES

A. Program Coverage

Title VI prohibits discrimination in “any program or activity” that receives Federal financial assistance. Although the Department does not directly receive Federal funding, the Vehicle and Asset Management Division receives Federal surplus property from the U.S. General Services Administration, which it sells to governmental subdivisions, non-profit organizations, and other eligible recipients as defined by Federal guidelines. As a recipient of Federal surplus property, the requirements of Title VI are applicable to all of the operations of the Department.

The Federal Surplus Property Section is governed by Federal guidelines (41 CFR 102-37), which are incorporated into the Federal Surplus Property Rules in Chapter 0690-01-01 of the *Rules and Regulations of the State of Tennessee (Appendix D)*. Under these rules, the Department receives surplus property from the Federal government, which it redistributes throughout the state to eligible recipients. The process of redistributing Federal surplus property is completed in accordance with Federal Surplus Property Rules and Guidelines.

B. Federal Coverage

For the most recent State fiscal year, the total original acquisition cost of property received through the Federal Surplus Property program for the period July 1, 2020 through June 30, 2021, was \$1,952,246.72 with a fair market value of \$438,669.84. Please see the following page for the details regarding the distribution of the property received. The Department does not receive any Federal grants, loans, subsidies, training resources, land, or detail of Federal personnel.

Property Donation Report for the period 7/01/2020 To 06/30/2021

N	Donee	Acq. Cost
1	CITY OF HOHENWALD	\$22,803.57
2	CITY OF LIVINGSTON	\$222.22
3	CITY OF TOONE	\$419,353.90
4	CLAY COUNTY	\$2,661.78
5	DICKSON COUNTY BOARD OF EDUCATION	\$17,306.25
6	MIDDLE TENNESSEE STATE UNIVERSITY	\$21,003.94
7	WHITE COUNTY	\$23,500.00
8	HUMPHREYS COUNTY SHERIFF DEPARTMENT	\$9,700.00
9	HUMPHREYS COUNTY SOIL CONSERVATION	\$385,381.02
10	ROBERTSON COUNTY SHERIFF DEPARTMENT	\$71,107.60
11	SAFE ENTRY HOUSING INC	\$1,107.60
12	SOUTHEND VOLUNTEER FIRE DEPARTMENT	\$379,963.00
13	MADISON COUNTY SHERIFF DEPARTMENT	\$41,077.00
14	COFFEE COUNTY RESCUE SQUAD	\$65,000.00
15	TENNESSEE VALLEY RAILROAD MUSEUM	\$104,778.00
16	PORTLAND CITY HALL	\$198.28
17	MILCROFTON UTILITY DISTRICT	\$33,066.64
18	F H JENKINS ELEMENTARY SCHOOL	\$1,107.60
19	MCMINN COUNTY GOVERNMENT	\$2,500.00
20	GRAINGER COUNTY RESCUE SQUAD	\$202,516.80
21	MORGAN COUNTY GOVERNMENT	\$4,000.00
22	GOVDEALS INC	\$10.26
23	WHITE COUNTY GOVERNMENT	\$136,087.00
24	FRIENDS OF THE THIRD REGIMENT	\$7,794.26

Acq. Cost: \$1,952,246.72

Accounts: 24

Fair Market Value: \$438,669.84

SECTION 9
DATA COLLECTION AND ANALYSIS

1. Beneficiaries of Federally Assisted Programs

The primary beneficiaries of the Surplus Property Distribution Program are State and local governmental agencies, non-profit organizations, and other organizations listed in **Appendix E**. Property not distributed to one of these organizations within 30 days of receipt is made available for sale to any other entity or the public via a third-party online auction site managed by Asset Auctions. Collection of participant race, color, or national origin data is not applicable to the Department because the main beneficiaries of the surplus program are other government agencies and nonprofit organizations. Inclusion of U.S. Census data regarding race and ethnicity or any other demographic data is not applicable to these organizations.

2. Minority Representation of Agency Staff

The organizational list below displays the staff composition of the Department as of August 2021.

Sex	American Indian or Alaska Native	Asian	Black or African American	Hispanic or Latino	Native Hawaiian or Other Pacific Islander	Other	Two or More Races	White	Grand Total
F		3	37	4		1	1	114	160
Executive		3	17	4			1	90	115
Non-Competitive			6						6
Non-Preferred			1					4	5
Preferred			13			1		20	34
M	1		26	1	1	3	1	132	165
Executive			8	1	1	3		85	98
Non-Competitive			6					3	9
Non-Preferred								4	4
Preferred	1		12				1	40	54
Grand Total	1	3	63	5	1	4	2	246	325

Gender	Executive Service	Non-Competitive Service	Non-Preferred	Preferred Service	Total	Percent
Female	115	6	5	34	160	49%
Male	98	9	4	54	165	51%
Total	213	15	9	88	325	100%

Race	Executive Service	Non-Competitive Service	Non Preferred Service	Preferred Service	Total	Percent
African American	25	12	1	25	63	19.38%
American Indian or Alaska Native	0	0	0	1	1	0.31%
Asian	3	0	0	0	3	0.92%
Hispanic or Latino	5	0	0	0	5	1.54%
Other	3	0	0	1	4	1.23%
Two or More Races	1	0	0	1	2	0.62%
White	175	3	8	60	246	75.69%
Native Hawaiian or Other Pacific Islander	1	0	0	0	1	0.31%
Total	212	15	9	88	325	100%

SECTION 10 **LIMITED ENGLISH PROFICIENCY (LEP)**

Limited English Proficiency policies and procedures for the Department are included as **Appendix C**.

The Central Procurement Office, Department of General Services, manages a statewide contract called the Managed Service Provider contract with Guidesoft Inc., DBA Knowledge Services. Under this contract, Knowledge Services manages all vendors that provide staff augmentation for the State, which includes telephonic interpretative services. Knowledge Services' vendors for telephonic interpretative services are Linguistica International and Avaza Language Services Corporation.

Linguistica International
8819 South Redwood Rd. Suite D West
Jordan, UT 84088
866-908-5744

Avaza Language Services Corporation
5209 Linbar Drive, Suite 603
Nashville, TN 37211
1-800-482-8292

The Department did not utilize Linguistica's or Avaza's interpretation and translation services during the fiscal year.

As the Department's main function is to provide services to other State departments and agencies, the Department does not encounter LEP persons on a regular basis; however, the Department has elected to provide its Title VI poster (**Appendix P & Q**) in both English and Spanish, the second most common language spoken in Tennessee. This poster is displayed in all of the Department's offices and is distributed to donees participating in the surplus property program. In addition, each security checkpoint in each DGS building has a language card to assist in identifying 27 of the most common languages spoken and accessing an interpreter for the appropriate language in need.

Because the Department acts as a service provider for other State agencies and does not conduct business with LEP persons on a regular basis, the Department does not currently have any documents available in languages other than English. If needed, the Department will provide such documents in a reasonable period of time using the contracted translation services.

SECTION 11 **COMPLAINT PROCEDURES**

1. Process for Filing a Complaint

A formal complaint must be filed in writing within one hundred eighty (180) days of the occurrence of the alleged discrimination. The DGS formal complaint form can be found at https://stateoftennessee.formstack.com/forms/dgs_title_vi_complaint_form (please see **Appendix F** for a copy of the form). No anonymous complaints will be investigated.

- a. The complaint may also be filed with the THRC:
 - i. In a letter, stating the elements of the complaint, addressed to:

State of Tennessee Human Rights Commission Central Office
Tennessee Tower
312 Rosa L. Parks Ave, 23rd Floor
Nashville, TN 37243
 - ii. By calling the THRC Central Office at 1-800-251-3589 (Spanish Toll-Free Line: 1-866-856-1252)
 - iii. By filling out the THRC's complaint form found on the THRC's official website.
 - b. Allegations that are received by telephone, fax or e-mail will be acknowledged and reduced to writing.
A complaint form will be forwarded for the person(s) to sign and return to the Department for processing. If the complainant is unable or unwilling to file the complaint in writing, the person to whom the complaint is made will document the elements of the complaint in writing.
- The complaint must contain the following information:
- i. Name, address, and phone number of the complainant;
 - ii. Location and name of the agency, facility, or other office where the alleged discrimination took place;
 - iii. Identification of the agency staff alleged to have engaged in discrimination;
 - iv. The elements of the event(s) that led to the belief that discrimination occurred;
 - v. The basis of the complaint: race, color, or national origin;
 - vi. Names, addresses, and phone numbers of people who may have knowledge of the event; and
 - vii. The date(s) the alleged discriminatory event(s) occurred.

- c. A complaint alleging discrimination against a division or entity may be filed internally with the DGS Title VI Coordinator.
- d. In addition, a complaint can be filed externally with the THRC or the Office of Civil Rights, U.S. General Services Administration.

2. Investigations, Determination, and Ruling

DGS supervisory staff shall forward all written complaints received to the Title VI Coordinator within two (2) business days of the receipt of any complaint.

The Title VI Coordinator will:

- a. Coordinate the review and investigation of complaints;
- b. Notify the complainant of receipt of the complaint:
 - i. The notification will be accomplished by the most expedient means available, including e-mail, fax or telephone call to be documented in writing and confirmed by letter;
 - ii. The notification will include a request for a time and date an investigator can reach the complainant by telephone or in person to discuss the complaint;
- c. Notify the complainant by certified letter of the determination and/or any remedial action that has been taken if it is determined that there was discrimination based on race, color, or national origin;
- d. Maintain copies of complaints and findings for a minimum of three (3) years from the resolution of the complaint;
- e. Take primary responsibility for investigating complaints and reporting findings to the Commissioner. The investigation will review, minimally:
 - i. Applicable practices and policies;
 - ii. The circumstances and events which led to the filing of the complaint;
 - iii. All other pertinent information;
- f. Complete the investigation and prepare a written determination on the alleged discrimination and/or make any recommendations on appropriate remedial action to the Commissioner within thirty (30) calendar days of receipt of the written complaint;
- g. If a complaint involves an Executive Director, Assistant Commissioner, Deputy Commissioner, or the Commissioner, the Department of Human Resources or the Human

Rights Commission will investigate the complaint on behalf of DGS and report the results to the appropriate agency.

3. Department of General Services Complaints for Fiscal Year 2020-2021:

- No complaints were filed regarding Title VI during the year.
- No complaints were closed.
- No complaints were referred to another State or Federal department or agency.

There were no lawsuits filed during fiscal year 2020-2021 against the Department alleging discrimination on the basis of race, color, or national origin under any Federally funded program or activity.

A copy of the Department's Title VI Complaint Log has been included as **Appendix G**.

SECTION 12
TITLE VI TRAINING PLAN

The Department has communicated the Title VI policy to its Title VI representatives, staff, vendors, and donees through training seminars, one-on-one counseling, posters displayed in centrally located areas, dissemination of Title VI brochures, and by making available upon request its written nondiscriminatory policy.

In addition, the Department includes its non-discriminatory policy clause on all pro forma Invitation to Bid and Request for Proposal contract documents. The Department's efforts in the promulgation of Executive Order 14 of December 8, 2003 and involvement with the Governor's Office of Diversity Business Enterprise are other examples of the Department's commitment to Title VI.

The Department provides and requires Title VI training for employees on an annual basis. For the current plan year, the Title VI Coordinator attended the annual update meeting presented by the THRC in August 2021. All employees within the Department were provided Edison access to a Title VI training presentation in August 2021. Each active employee was required to register and complete the training in Edison. A copy of the training presentation is included as **Appendix H**.

A total of 308 active employees have completed the Title VI training in 2021 as of this report date, which constitutes 96% of the active employees. Individual training dates are tracked in Edison. Records of completed training for each year are retained in an electronic format by the Department's Title VI Coordinator. These records are used for following up with employees who have not satisfied the annual requirement.

The Department of General Services does not receive any federal grants; therefore, we do not have any sub-recipients requiring training.

The Department of General Services anticipates that Title VI training will be provided to all agency employees in May 2022.

SECTION 13 **SUBRECIPIENT MONITORING**

A. Subrecipients, Contractors, and Vendors

The Department acts primarily as a service provider to other State departments and agencies by coordinating and administering the State's purchases, real property, personal properties, printing, motor vehicles, surplus property, postal services, and general public works services. In performing these activities, the department utilizes numerous contractors and vendors.

The Department's Central Procurement Office (CPO) was created with the purpose of centralizing the State's procurement and contracting activities. In this role, the CPO works with all State agencies and departments to fulfill their purchasing needs and serves as the primary point of contact for registering vendors seeking to provide goods or services to the State. The templates and models for contracts, including grants, which have been approved by the Procurement Commission and used by the CPO, contain language that ensures Title VI compliance by state grantees or contractors. Under applicable state law, state agencies are responsible for ensuring Title VI compliance for their grantees, subrecipients, and contractors.

While the CPO facilitates many aspects of these processes, it is not necessary for the Department to include all of these contractors and vendors in this Implementation Plan. Because many of these contractors and vendors are for utilization by other State departments, they should be included in the applicable department's plan, and inclusion by the Department of General Services would be duplicative. The Department does not have any direct sub-recipient relationships. **Appendix I** lists all vendors with active contracts in Edison as of the end of fiscal year 2021, sorting by those with total authorized spend of \$10,000 or more. Edison tracks vendors and the related contracts according to the respective contract periods, as opposed to the initial date of activity with the state. While the contract spend is an amount that can be provided by Edison, utilizing the data that is currently available as to vendor registration, we are unable to identify the total population of vendors utilized statewide, nor identify with assurance those who are new. Contracts spend for the statewide list cannot be differentiated between federal, state, or hybrid. The Department did not receive any Federal Grants, or loans and it does not have any direct subrecipients. Also, there are no Federal Assistance applications pending that have been generated by our Department.

B. Pre-Award Procedures - Assurances and Data Collection

The Department agrees that as a condition to receiving any Federal financial assistance, it will comply with Title VI of the Civil Rights Acts of 1964. The Commissioner has the overall responsibility for compliance with Title VI. The Title VI Coordinator, appointed by the Commissioner, is responsible for coordinating Title VI activities within the Department. The Department will make available to the THRC compliance reports upon request.

The U.S. General Services Administration, Southeast Office of Civil Rights, requires the Department to comply with Title VI for the receipt of Federal property. The Vehicle and Asset Management Division is required to follow strict Federal compliance review procedures in order and to remain eligible to participate in the Federal surplus property program. The Title VI Coordinator and the Director of Vehicle and Asset Management are responsible for coordinating and monitoring all approved donees that are participating in the Federal surplus property program. The rules of Federal Surplus Property are included in **Appendix D**. See **Appendix E** for qualifications to become a donee. All donees must complete the application and nondiscrimination assurance documents found in **Appendix J**.

Currently, the Department only has approved donees that participate in our Federal property program. The Department does not have any subrecipients that would require compliance with Title VI regulations. Additionally, the Department does not provide services or benefits to individuals.

All Requests for Proposals (RFPs) for professional service contracts require signed statements that the proposer will conform to the requirements of Title VI. See the *Proposal Statement of Certifications and Assurance* in **Appendix K**.

Title VI training assistance is available through the Department's Title VI Representatives upon request or as deemed appropriate in the event compliance audits indicate deficiencies.

C. Post-Award Procedures

The Department does not have any subrecipient relationships; however, the Department has a total of Twenty-Four (24) active donees that have received Federal surplus property from the Surplus Property Program in the last fiscal years. **Appendix L** contains the complete list of active donees. Surplus Property staff periodically conducts Title VI compliance checks of selected active donees. The Title VI Audit Checklist (**Appendix M**) is utilized during these visits.

D. Public Notice and Outreach

All donees receive Title VI posters and brochures for display and distribution. All RFPs and contracts include standard language concerning non-discrimination practices and compliance with the requirements of Title VI.

E. Procedures for Noncompliance

After compliance checks, follow-up letters are sent to each donee, and deficiencies are noted if the donee is found to be in noncompliance with the Title VI regulations. An example follow-up letter is included as **Appendix N**. The Department will work with all non-compliant donees in an effort to achieve voluntary compliance and will follow up on any deficiencies within ninety (90) days to ensure that each area has been sufficiently addressed. If noncompliance is not corrected, the donee will be denied access to surplus property and will be reported to the appropriate Federal and State authorities. Any bidder for State contracts who does not sign the required acknowledgment regarding Title VI compliance is not eligible to do business with the Department.

SECTION 14

PUBLIC NOTICE AND OUTREACH

A. Commitment Statement

The primary goal of the Department's Title VI Program is to ensure that all staff, contractors, and service beneficiaries are aware of the provisions of Title VI and the responsibilities associated with Title VI of the Civil Rights Act of 1964. Staff are readily available to provide high-quality technical assistance, resources, guidance, and any other information regarding Title VI. Information related to the Department's Title VI Policy, which includes complaint procedures, is included as part of the Department's Title VI Implementation Plan, which is accessible on the Department's internet page at <https://www.tn.gov/generalservices/about-dgs/titleviimplementation-plan.html>. In addition to electronic distribution, the Department will provide these documents in print, upon request.

The workshop concept has been utilized as a means of identifying specific issues and concerns of minorities. Concerns can be properly addressed only when they have been identified. This type of outreach and training throughout the State is continuously promoted by the Department through the Go-DBE office. Along with various other state agencies, this effort is intended to increase awareness of the Department's policy, as well as to increase contracting opportunities with minority-owned, women-owned, service-disabled veteran-owned, and small businesses.

Examples of outreach activities for the fiscal year include:

Minority Enterprise Development Week (MEDWeek) Conference
East Tennessee Diversity Business Expo
UT Knoxville Supplier Workshop
PTAC Beyond Certification Workshop
Skanska Safety Leadership Workshop
City of Knoxville's 12th Annual Business Opportunities Breakfast
Austin Peay State University Supplier Workshop
Small Business Development Office Meeting
Metro Nashville Diversity Panel
Bell Construction- Small and Diverse Business Certification Training
U. S. Small Business Administration Outreach

In addition to the above efforts, Go-DBE has continued meeting with State agencies and departments to discuss the potential of setting goals for utilization of new certified businesses in rural counties. Go-DBE met with agencies and departments on October 15, 2020 for the Annual Agency and Departmental Goals meeting. Many State agencies have taken the initiative to their respective departments with the intent of continuing to drive momentum for improving rural county volume of transactions with certified businesses.

B. Board and Advisory Bodies

The Department does not control the membership of any Board or Commission. However, the Commissioner or the Commissioner's designee, sits on the following boards and commissions listed below, pursuant to the statutes indicated for each:

- State Capitol Commission pursuant to TCA § 4-8-301. The Capitol Commission has minority participation assured by the General Assembly through this legislation.
- Procurement Commission pursuant to TCA § 4-56-102. The membership of this commission consists of the commissioners of General Services and Finance and Administration, and the Comptroller of the Treasury.
- State Protest Committee pursuant to TCA § 4-56-103. The Committee is comprised of the commissioners of General Services and Finance and Administration, and the State Treasurer.
- Public Records Commission pursuant to TCA § 10-7-302. The Commission consists of the State Treasurer, the Comptroller of the Treasury, the Secretary of State, the Director of Legal Services for General Assembly, and the commissioner of General Services as voting members.
- Tennessee Residence Commission pursuant to TCA § 4-23-202. The commission consists of six (6) voting, ex officio members, as follows: the governor, the first spouse, the commissioner of general services, the state architect, the chair of the Tennessee historical commission and the executive director of the Tennessee state museum, or their respective designees. The commission membership shall also include four (4) private citizens appointed by the governor to staggered terms of four (4) years. In appointing private citizens to serve on the Tennessee residence commission, the governor shall strive to ensure that at least one (1) such citizen serving on the commission is sixty (60) years of age or older, and that at least one (1) such citizen serving on the commission is a member of a racial minority. All citizen members shall be voting of the commission.

Effective November 1, 2011, a separate twelve (12) member advisory council on State procurement was established by TCA § 4-56-106. Membership information is available on the Department's website at <https://www.tn.gov/general-services/procurement/central-procurement-office--cpo-/procurement-commission-and-advisory-council-.html> and has been included as **Appendix O**. The Commissioner appoints two (2) members to the council and gives due consideration to the need for geographic, age, racial, gender, and ethnic diversity on the council, in accordance with the requirements of the statute. As stipulated the statute, the Commissioner must appoint one representative from the Department and one representative from other State agencies.

C. Documentation of Minority Input

The Governor's Office of Diversity Business Enterprise (Go-DBE) is charged with coordinating and directing the Executive Branch's efforts in assisting small businesses and businesses owned by minorities, women, service-disabled veterans, and persons with disabilities to develop into viable, successful businesses. This work includes assisting these businesses in competing successfully

for the State of Tennessee's expenditures for goods and services. In fulfilling its charge, the Go-DBE is directed to work with all existing state agencies and departments, specifically including the Business Enterprise Resource Office (BERO) within the Department of Economic and Community Development. In accordance with TCA § 12-3-1107, the Department issues an annual report to the Governor and members of the Tennessee General Assembly regarding Go-DBE. This public report outlines the purpose, goals, and achievements of Go-DBE and can be found at the following link <https://www.teamtn.gov/cpo/supplier-diversity/events-and-publications>. Bidding opportunities for surplus personal property and professional services contracts are published on the Department's website.

D. Go-DBE Accomplishments

Contract and Payments- For the past 15 years, agencies have increased spend with diversity businesses. The purchases to certified diversity businesses for Fiscal Year (FY) 2021 increased to \$766 million, over 3.58% increase from the previous fiscal year.

Diversity Solicitations and Responses- Go-DBE makes considerable efforts to ensure diversity businesses receive as many opportunities to participate in state procurement as possible. Every year, the office publishes the Forecast of Acquisitions Plans for State Departments and Agencies for the fiscal year. The publication provides businesses with information on upcoming procurement opportunities the state anticipates purchasing during the next year. Go-DBE also works closely with State agencies and the Central Procurement Office's Sourcing Analysts and Category Specialist and provides them with lists of certified businesses to include in their procurement notifications that match the solicitations' commodity codes.

Certification- Go-DBE certifies diversity businesses as minority-owned, women-owned, persons with disabilities, service-disabled veteran-owned, or small business enterprises. The certification application is entirely on-line process. FY 2021 saw a 5.4% increase from 2,087 to 2,199 in the number of certified businesses from the previous year.

Rural Counties- By focusing on rural counties with Go-DBE, the state spent \$62 million across 34 counties in FY 2021. That's a 9.8% increase over FY 2020.

Sub-Contracting- Each year, Go-DBE participates in numerous Pre-Bid and Pre-Response conferences. The total sub-contracting dollars for FY 2021 was \$276,882,284 million. This represents 35% of the overall diversity spend for the year.

SECTION 15

COMPLIANCE REPORTING

The Title VI Coordinator obtains a Title VI summary report from each divisional representative on a quarterly basis. Additionally, reports are prepared for each donee compliance check performed by the Department. These reports are used to track Title VI compliance, and a summary is communicated in the Department's annual Implementation Plan. See Section 11.C and **Appendix G**.

The Department does not routinely furnish to or share individual Title VI compliance reports with any Federal or State agencies; however, compliance reports are furnished to the THRC, upon request, and they are made available to the U.S. General Services Administration (GSA) during its periodic reviews of the Department's Surplus Property Program. The THRC performed a compliance review in April 2017, and no findings were noted.

The Department is required to report quarterly results of the surplus property program to the GSA (41 CFR 102-37.360). This report reflects the Federal surplus property that has been allocated from the GSA and the property that the Department has issued to donees. This report does not involve Title VI compliance.

SECTION 16

EVALUATION PROCEDURES

The Department evaluates its Title VI compliance program on a regular basis to ensure effectiveness and efficiency and considers the following information when evaluating its Title VI program:

- Compliance reports received from the THRC;
- Recent complaints received;
- Results of donee compliance checks;
- Department program changes and additions;
- Other relevant data and information.

The Department was deemed compliant by the THRC during the most recent audit in 2017. The Surplus Program was also deemed compliant by a GSA audit in 2017. Additionally, the Department did not receive any Title VI complaints in the previous year and as a result, has not identified any deficiencies at this time that need to be addressed.

The Title VI Coordinator and the Director of Surplus are responsible for coordinating and monitoring all approved donees that are participating in the Federal surplus property program. The rules of Federal Surplus Property are included in **Appendix D**. See **Appendix E** for qualifications to become a donee. All donees must complete the application and nondiscrimination assurance documents found in **Appendix J**.

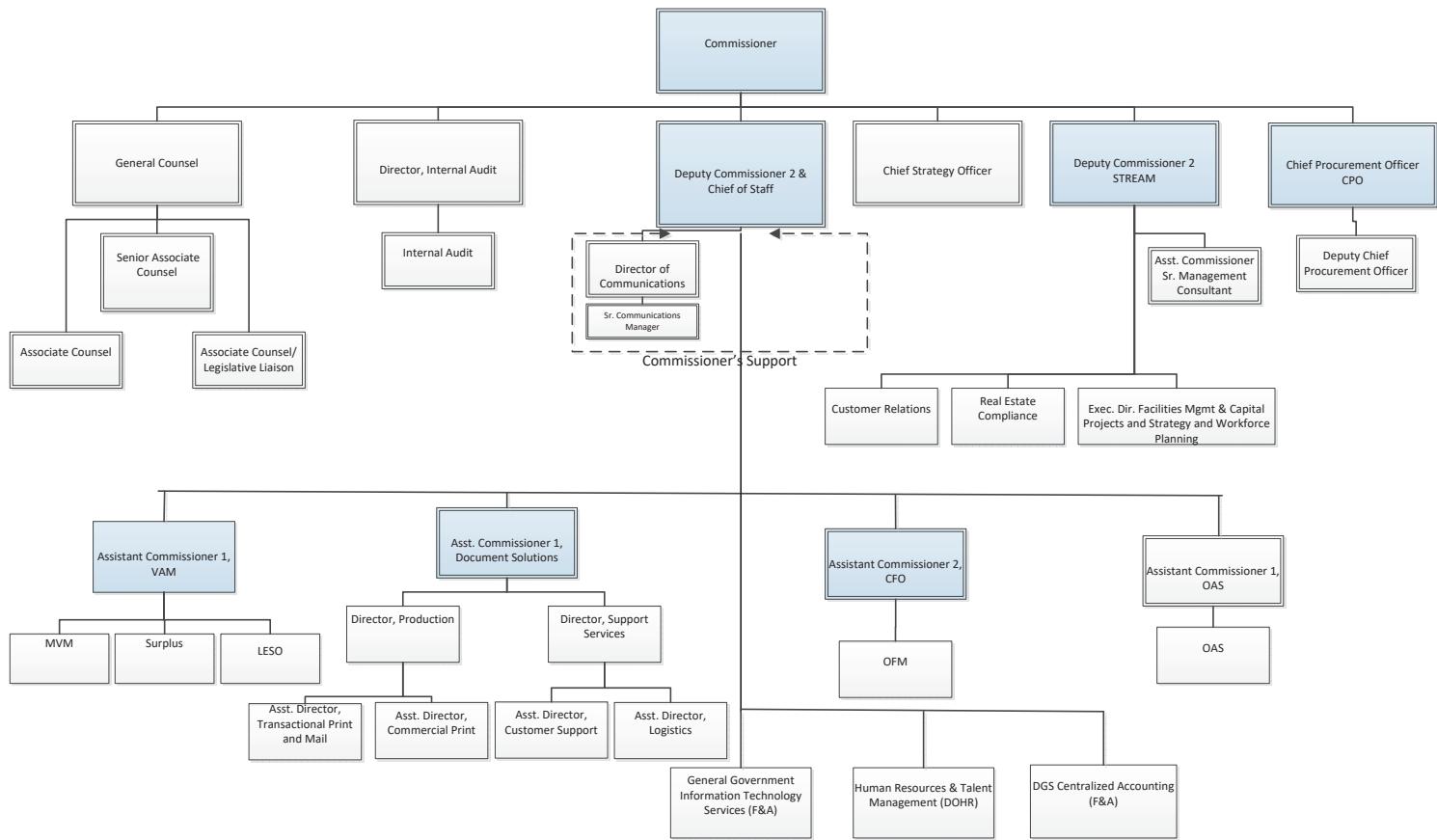
Ongoing compliance checks are performed by the Title VI Representative of Vehicle and Asset Management under direct supervision by the Title VI Coordinator. During the fiscal year 2020-2021, the Title VI Coordinator and Title VI Representative for Vehicle and Asset Management performed compliance checks for three (3) donees within the Surplus program. These three donees held 29% of the total donated property from the Surplus program. Reviews included, but were not limited to, the display of appropriate posters, adequate written policies, adequate procedures for complaints, proper record keeping of complaints, minority representations on Boards, and evidence of training. These three (3) donees were all found to be in compliance with Title VI requirements. Additional donees will be selected for review on an ongoing basis.

The Department of General Services continued to focus its efforts on consistently delivering high performance, customer satisfaction, reduced time and cost, relationship-based customer service, and on creating the greatest enterprise-wide value. The Department's fourth annual customer service survey of state agencies showed record high scores 92.7% of survey participants said they consider the Department a valued business partner for their agency.

APPENDIX A

ORGANIZATION CHART FOR GENERAL SERVICES

**Department of General Services
Organizational Chart
As of August 2021**



Department of
General Services



POLICY

Approved by: Christi W. Branscom, Commissioner	Policy Number: 17.03
Signature:	Supersedes: 9/21/2017
Application: All Department of General Services Employees	Effective Date: 12/9/19
Authority: T.C.A. §§ 4-3-1102, 4-21-901, 4-21-904, 4-21-905, and 49-1-304; Title VI of the Civil Rights Act of 1964, 42 U.S.C. §2000d.	

Subject:

Title VI Program Complaint and Compliance Monitoring Process

If any portion of this policy conflicts with the applicable State and Federal laws or regulations that portion shall be considered void. In such an event, the remainder of this policy and the procedures described within shall not be affected and thereby remain in full force and effect.

- I. **POLICY STATEMENT:** No person based on race, color, or national origin, shall be excluded from participation in, be denied the benefits of, or otherwise subjected to discrimination under any program, service or activity operated, funded or overseen by the Tennessee Department of General Services (DGS).
- II. **PURPOSE:** To ensure agency compliance with the requirements of Title VI of the Civil Rights Act of 1964 and related civil rights laws and regulations.
- III. **APPLICATION:** All Department of General Services staff, contractors, subcontractors, service beneficiaries, and donee organizations. As a recipient of Federal surplus property, the requirements of Title VI are applicable to all of the operations of the Department.
- IV. **RESPONSIBILITY:** The Title VI Coordinator, under the supervision and direction of the Director of Internal Audit, will coordinate all activities associated with Title VI complaint investigations and is charged with the responsibility for implementing, monitoring and ensuring the Department's compliance with Title VI regulations.

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V. DEFINITIONS:

DGS Policy: Title VI Program Complaint and Compliance Monitoring Process	Policy Number: 17.03
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- A. Beneficiary means any person or group of persons (other than States) entitled to receive benefits, directly or indirectly, from any federally assisted program.
- B. Complaint means a written allegation of discrimination, which indicates that a program is operated in such a manner that it results in disparity of treatment to persons, or groups of persons, because of race, color or national origin.
- C. Compliance means fulfillment of the requirements of Title VI, other applicable laws, implementing regulations and instructions to the extent that no distinctions are made in the delivery of any service or benefit based on race, color or national origin.
- D. Compliance Review means a review conducted by means of either regular inspections of Department programs to determine compliance with Title VI requirements (which may be conducted onsite) or desk (structured paper) reviews of programs and associated documentation.
- E. Contractor means an individual, group or company that agrees to perform services or provide commodities at a specified price pursuant to a contract.
- F. Donee means a non-profit organization and/or state entity which receives federal surplus property from the Department.
- G. Limited English Proficiency (LEP) means a person that does not speak English as their primary language, and has a limited ability to read, speak, write or understand English.
- H. Monitoring means a review process used to determine compliance with the requirements of a state and/or federal program, applicable laws and regulations, and stated results and outcomes.
- I. Recipient means any state, territory, possession, the District of Columbia, Puerto Rico, or any political subdivision, or instrumentality thereof, or any public or private agency, institution, or organization, or other entity, or any individual, in any state, territory, possession, the District of Columbia, or Puerto Rico, to whom federal assistance is extended, either directly or through another recipient, for any program. Recipient includes any successor, assignee, or transferee thereof. The term "recipient" does not include any ultimate beneficiary under any such program.
- J. Title VI Coordinator mean a position designated by the DGS Commissioner to ensure compliance with Title VI program requirements.

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VI. PROCEDURES:**1. Discriminatory Practices.**

The following activities would be considered discriminatory practices under Title VI:

- a. Denying an individual any service, financial aid or other benefits offered by the Department because of their race, color or national origin;
- b. Treating individuals differently because of their race, color or national origin;
- c. Using methods directly or indirectly, through contractual relationships, that defeat or substantially impair the accomplishment of effective non-discriminatory practices.

2. Complaint Filing.

A formal complaint must be filed with either DGS or the State of Tennessee Human Rights Commission within one hundred-eighty (180) days of the occurrence of the alleged discrimination. No anonymous complaints will be investigated and the formal complaint should be in writing.

- a. A formal complaint can be filed with DGS by filling out the form at:
https://stateoftennessee.formstack.com/forms/dgs_title_vi_complaint_form.
- b. The complaint can also be filed with the State of Tennessee Human Rights Commission:
 - i. In a letter, stating the elements of the complaint, addressed to

State of Tennessee Human Rights Commission Central Office
Tennessee Tower
312 Rosa L. Parks Ave, 23rd Floor
Nashville, TN 37243
 - ii. By calling the State of Tennessee Human Rights Commission Central Office at 1-800-251-3589 (Spanish Toll Free Line: 1-866-856-1252)
 - iii. By filling out the State of Tennessee Human Rights Commission's complaint form found on the [Tennessee Human Rights Commission's official website](#).

- c. Allegations that are received by telephone, fax or e-mail will be acknowledged and reduced to writing.

A complaint form will be forwarded for the person(s) to sign and return to the Department for processing. If the complainant is unable or unwilling to file the complaint in writing, the person to whom the complaint is made will document the elements of the complaint in writing.

The complaint must contain the following information:

- i. Name, address and phone number of the complainant;
 - ii. Location and name of the agency, facility or other office where the alleged discrimination took place;
 - iii. Identification of the agency staff alleged to have engaged in discrimination;
 - iv. The elements of the event(s) that led to the belief that discrimination occurred;
 - v. The basis of the complaint: race, color or national origin;
 - vi. Names, addresses and phone numbers of people who may have knowledge of the event; and
 - vii. The date(s) the alleged discriminatory event(s) occurred.
- d. A complaint alleging discrimination against a division or entity may be filed internally with the DGS Title VI Coordinator.
- e. In addition, a complaint can be filed externally with the Human Rights Commission or the Office of Civil Rights, U.S. General Services Administration.
3. Investigation, Determination and Ruling.

DGS supervisory staff shall forward all written complaints received to the Title VI Coordinator within two (2) business days of the receipt of any complaint.

The Title VI Coordinator will:

- a. Coordinate the review and investigation of complaints.
- b. Notify the complainant of receipt of the complaint.
 - i. The notification will be accomplished by the most expedient means available, including e-mail, fax or telephone call to be documented in writing and confirmed by letter.

DGS Policy:

Title VI Program Complaint and Compliance Monitoring Process

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- ii. The notification will include a request for a time and date an investigator can reach the complainant by telephone or in person to discuss the complaint.
 - c. Notify and consult with DGS Legal about the filed complaint.
 - d. Notify the complainant by certified letter of the determination and/or any remedial action that has been taken if it is determined that there was discrimination based on race, color or national origin.
 - e. Maintain copies of complaints and findings for a minimum of three (3) years from the resolution of the complaint.
 - f. Take primary responsibility for investigating complaints and reporting findings to the Commissioner. The investigation will review, minimally:
 - i. Applicable practices and policies;
 - ii. The circumstances and events which led to the filing of the complaint;
 - iii. All other pertinent information.
 - g. Complete the investigation and prepare a written determination on the alleged discrimination and/or make any recommendations on appropriate remedial action to the Commissioner within thirty (30) calendar days of receipt of the written complaint.
 - h. If a complaint involves an Executive Director, Assistant Commissioner, Deputy Commissioner or the Commissioner, the Department of Human Resources or the Human Rights Commission will investigate the complaint on behalf of DGS and report the results to the appropriate agency.
4. Internal Appeal Process.

If the complainant is not satisfied with the Title VI Coordinator's findings and/or the remedial action taken, an appeal may be filed with the Commissioner or designee within 30 days of the receipt of the determination.

- a. Upon an appeal, the Director of Human Resources, the Title VI Coordinator, and the General Counsel will assist the Commissioner in reviewing the matter and making a determination.

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- b. The appeal process can include, but is not limited to: discussing the complaint with the complainant and/or the alleged offender, review of the initial recipient of the complaint, and the authority of the Department whose finding is appealed.

5. External Review Process.

A complaint may be filed simultaneously with the Tennessee Human Rights Commission, the Office for Civil Rights, the U.S. Department of Justice, the Office of Justice Programs, or other appropriate Federal agency and with DGS. In such case, the external complaint supersedes the internal OGS complaint. Accordingly, the internal complaint procedures will be suspended pending the outcome of the Tennessee Title VI Compliance Commission or federal review procedure, unless there is a request from the external agency for assistance in the investigation.

If the complainant does not file a complaint with the Tennessee Human Rights Commission, the Office for Civil Rights, the U.S. Department of Justice, the Office of Justice Programs, or other appropriate Federal agency simultaneously with the complaint filed with DGS, and if the complainant is not satisfied with the DGS findings and/or the remedial action taken, the complainant may still file with these external agencies if the time for filing with the agencies has not expired or may appeal to the appropriate Federal agency or to a court with jurisdiction over the claim asserted.

6. DGS Program and Activities Monitoring Process.

a. The Title VI Coordinator will:

- i. Coordinate desk audits and on-site reviews;
- ii. Ensure proper notice is given to employees and outside parties regarding the Department's nondiscrimination policy; and
- iii. Receive and retain copies of the final monitoring report for each compliance check completed by the compliance auditor and distribute those reports to the appropriate Division Director(s) and Donee, if applicable.

b. The Divisional Title IV Representatives will:

- i. Serve as the point of contact within their respective divisions for Title VI concerns/issues;

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- ii. Ensure that LEP guidelines are followed and that Title VI materials are available; and
 - iii. Collect and maintain data on race and ethnic categories, if applicable.
- c. The Compliance Auditor (Vehicles and Asset Management Title VI Division Rep) will:
- i. Conduct quarterly compliance audits of DGS programs, activities and Donees. These audits may include desk reviews, on-site visits and routine reviews.
 - ii. Identify and report Title VI noncompliance issues to the Title VI Coordinator and appropriate supervisors.
 - iii. Prepare a final monitoring report of Title VI findings. The report shall be submitted to the Title VI Coordinator and applicable auditee within thirty (30) calendar days after the completion of the on-site review or the Title VI compliance questionnaire.
- d. Upon receipt of the report, the auditee shall:
- i. Prepare a corrective action plan outlining the steps that will be taken to correct findings identified in the monitoring report;
 - ii. Provide the name(s) of the contact person(s) responsible for corrective action, the corrective action planned and the anticipated completion date;
 - iii. Submit the corrective action plan within thirty (30) calendar days of the date of the report to the Compliance Auditor and Title VI Coordinator.
 - iv. If the auditee does not agree with the findings or believes corrective action is not required, then the corrective action plan shall include an explanation and specific reasons.
7. Non-compliance Findings and Sanctions.

Any Donee or Contractor found to be in noncompliance with Title VI will be given a written notice. Failure to eliminate further discrimination within sixty (60) calendar days of receipt of notice will be considered a violation of the terms of the contract and a basis for contract suspension, termination, or rejection.

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Title VI Program Complaint and Compliance Monitoring Process

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8. Title VI-Compliance Review and Implementation Plan.

- a. The Title VI Coordinator will develop the DGS Title VI Implementation Plan and monitor agency compliance.
- b. The Implementation Plan will provide a summary update of the Department's compliance review strategy and findings.
- c. The plan shall be submitted annually on or before October 1 to the Human Rights Commission (HRC).

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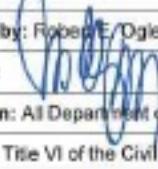
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APPENDIX C
TITLE VI LEP POLICY



TN Department of
General Services

POLICY

Approved by: Robert E. Oglesby, Commissioner	Policy Number: 17.04
Signature: 	Supersedes: 10/1/2014
Application: All Department of General Services Employees	Effective Date: 9/21/17
Authority: Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d; Executive Order 13166	

Subject:

Limited English Proficiency (LEP) Policy

If any portion of this policy conflicts with the applicable State and Federal laws or regulations that portion shall be considered void. In such an event, the remainder of this policy and the procedures described within shall not be affected and thereby remain in full force and effect.

- I. **POLICY STATEMENT:** The Department of General Services does not discriminate against anyone with Limited English Proficiency (LEP), who participates in our programs and/or services. Steps have been taken to ensure that all individuals will be to communicate, either through written or oral language services, with members of our staff.
- II. **PURPOSE:** To take reasonable steps to ensure that LEP individuals are provided meaningful access to our programs and/or services.
- III. **APPLICATION:** All Department of General Services employees, contractors and subcontractors.
- IV. **RESPONSIBILITY:** Each Title VI Division Representative and the Title VI Coordinator will ensure that each division has properly trained staff to assist LEP individuals.
- V. **DEFINITIONS:**
 - A. Limited English Proficiency (LEP) means a person that does not speak English as their primary language and has a limited or no ability to read, speak, write or understand English.
 - B. Meaningful Access means requiring the Department to conduct an assessment of their service population by using the four factor analysis. (1) Number or proportion of LEP persons;

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DGS Policy: Limited English Proficiency (LEP) Policy	Policy Number: 17.O4
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(2) Frequency of contact LEP persons have with the program or activity; (3) Nature and importance of the program; and (4) Resources available to the recipient.

C. Interpretation means the oral or spoken transfer of a message from one language into another language.

D. Translation means the written transfer of a message from one language into another language.

VI. PROCEDURES:

1. Rights of an Eligible Individual.

Any individual eligible for programs/services at the Department of General Services who cannot speak, write or understand the English language at a level that permits them to interact effectively with our staff has the following rights:

- (1) A right to qualified interpreter services at no cost to them;
- (2) A right to not be required to rely on their minor children, other relatives or friends as interpreters; and
- (3) A right to file a grievance about the language access services provided to them.

2. Annual Review of LEP Compliance.

Each Division Title VI Representatives will be responsible for ensuring that all LEP individuals are able to communicate effectively, either through written or oral languages, with respective program and/or activity staff members. The Title VI Coordinator will conduct an annual review of LEP compliance efforts undertaken by each division to ensure that the following has occurred:

- 1. **Perform a Needs Assessment** - Each division will assess the language assistance needs of the population they serve by identifying the languages likely to be encountered and the number of LEP persons likely to be directly affected by its program.
- 2. **Train Staff** - Each Title VI Division Representative will provide staff training to all staff members that may encounter a LEP person. This training should include how to obtain language assistance services and communication with interpreters and translators. Staff should also be trained on how to properly handle a Title VI complaint. (See Title VI Policy)

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DGS Policy: Limited English Proficiency (LEP) Policy	Policy Number: 17.04
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- 3. **Provide Interpretation Assistance** - Each division/program will provide LEP persons with oral language assistance at reception or customer service desks or when telephone contact is made. Telephonic (over the phone) interpretation services are available, via the State's approved contractor for non-English speaking individuals. Each office shall have a designated person to request LEP services from the authorized contractor.

- 4. **Notify LEP Customers of Language Assistance Availability** - Each division will inform the public of the availability of LEP services by posting signs or providing written materials in public areas notifying them of this service.

- 5. **Monitor Access to Language Assistance** -- Each division will continuously monitor their language assistance process to ensure that policies and practices are consistent.

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APPENDIX D
RULES FOR DISTRIBUTION OF FEDERAL SURPLUS PROPERTY WITHIN THE
STATE OF TENNESSEE

**RULES
OF
THE DEPARTMENT OF GENERAL SERVICES
DIVISION OF FEDERAL PROPERTY UTILIZATION CHAPTER**

0690-1-1

**DISTRIBUTION OF FEDERAL SURPLUS PROPERTY
WITHIN THE STATE OF TENNESSEE**
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0690-1-1-05	Financing and Service Charge		and Public and Private Groups
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0690-1-1-01 PURPOSE AND SCOPE. The Department of General Services, Federal Property Utilization Division, is designated as the state agency responsible for administering the federal surplus property program in Tennessee. The state agency shall administer a program of acquisition, transportation, warehousing, distribution and utilization of federal surplus property.

Authority: TCA §4-330 (15), 12-333 (5)(A) and 49-808 through 49-810. See also Public Law No. 94-519.

Administrative History: Original rule filed August 31, 1977; effective September 30, 1977.

0690-1-1-02 DEFINITIONS.

(1) The following terms shall have the meanings set forth in this rule:

- (a) “Accredited” means approved by a recognized accrediting board or association on 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 other recognized accrediting association.
- (b) “Approved” means recognition and approval by the State Department of Education, State Department of Health or other appropriate authority. With respect to an education institution, approval must relate to academic or instructional standards. An educational institution may be considered as approved if its credits are accepted by accredited or state approved institutions, or if it meets the academic or instructional standards prescribed for public schools in the state.
- (c) “Child care center” means a public or nonprofit facility where day care services, such as educational, social, health and nutritional services, are provided to children through age 14, and which is approved or licensed by the State or other appropriate authority.
- (d) “Clinic” means an approved public or nonprofit facility organized and operated for the primary purpose of providing outpatient public health services and includes customary related services such as laboratories and treatment rooms.
- (e) “College” means an approved or accredited public or nonprofit institution of higher learning offering organized study course and credits leading to a baccalaureate or higher degree.
- (f) “Conservation” means a program or programs carried out or promoted by a public agency for public purposes involving directly or indirectly the protection, maintenance, development, and restoration

March,1999 (Revised)

DISTRIBUTION OF FEDERAL SURPLUS PROPERTY
WITHIN THE STATE OF TENNESSEE

of the natural resources of a given political area. Such resources include but are not limited to the air, land, forests, water, rivers, streams, lakes and ponds, minerals, and animals, fish, and other wildlife.

- (g) “Economic development” means a program or programs carried out or promoted by a public agency for public purposes which involve 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 assist in the creation of long term employment opportunities in the area, or primarily benefit the unemployed or those with low incomes.
- (h) “Education” means a program or programs to develop and promote the training, general knowledge or academic, technical and vocational skills, and cultural attainments of individuals in a community or other given political area. Such programs may be conducted by schools, including pre-school activities and child care centers, colleges, universities, schools for the mentally retarded or physically handicapped, educational radio and television stations, libraries and museums. Public educational programs may include public school systems and such supportive facilities as centralized administrative or service facilities.
- (i) “Educational institutions” means an otherwise eligible 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, educational radio or television station, museum or library.
- (j) “Educational radio station” means a radio station licensed by the Federal Communication Commission and operated exclusively for non-commercial educational purposes and which is public or nonprofit and tax exempt under Section 501 of the Internal Revenue Code of 1954.
- (k) “Educational television station” means a television station licensed by the Federal Communication Commission and operated exclusively for non-commercial educational purposes and which is public or nonprofit and tax exempt under Section 501 of the Internal Revenue Code of 1954.
- (l) “Health center” means 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.
- (m) “Hospital” means an approved or accredited public nonprofit institution providing public health services primarily for inpatient medical or surgical care of the sick and injured and includes related facilities such as laboratories, out-patient departments, training facilities and staff offices.
- (n) “Library” means a public or nonprofit facility providing library services free to all residents of a community, district, State or region.
- (o) “Medical institution” means an otherwise eligible public or nonprofit institution, facility, entity, or organization which has for its primary function the furnishing of public health and medical services to the public at large or the promotion of public health through the conduct of research for any such purposes, experiments, training or demonstrations relating to causes, 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 center laboratories, medical schools, dental schools, nursing schools and similar institutions. The term does not include those institutions primarily engaged in domiciliary care although a separable medical facility within such a domiciliary institution may qualify as a “medical institution.”

(Rule 0690-01-1-.02,continued)

- (p) "Museum" means a public or nonprofit facility which is attended by the public free or at a nominal charge, and which provides museum services including the preservation and exhibition of artistic, cultural, historical, or scientific objects.
- (q) "Nonprofit" institution means an educational or public health institution or organization, no part of the net earnings of which inures or may lawfully inure 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.
- (r) "Park and recreation" means a program or programs carried out or promoted by a public agency for public purposes which involves directly or indirectly the acquisition, development, improvement, maintenance and protection of park and recreational facilities for the residents of a given political area. Such facilities include but are not limited to parks, play grounds and athletic fields, swimming pools, golf courses, nature facilities and nature trails.
- (s) "Public health" means a program or programs to promote, maintain and conserve the public's health by providing health services to individuals and by the conduct of research, investigations, examination, training and demonstrations. Public health services may include but are not limited to the control of communicable diseases, immunization, maternal and child care health programs, sanitary engineering, sewage treatment and disposal, and sanitation inspection and supervision, water purification and distribution, air pollution control, garbage and trash disposal, and the control of and elimination of disease-carrying animals and insects.
- (t) "Public health institution" means an otherwise eligible public or nonprofit institution, facility, entity or organization conducting a public health program or programs such as a hospital, clinic, health center, or medical institution, including research for any such program, and whose services are available to the public at large.
- (u) "Public safety" means a program or programs carried out or promoted by a public agency for public purposes involving, directly or indirectly, the protection, safety, law enforcement activities, and criminal justice system of a given political area. Public safety programs may include but are not limited to those carried out by public police departments, sheriffs' offices, the courts, penal and correctional institutions including juvenile facilities, State and civil defense organizations, fire departments and rescue squads, including volunteer fire departments and rescue squads supported in whole or in part with public funds.
- (v) "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 safety.
- (w) "School" (excepting schools for the mentally retarded and schools for the physically handicapped) means 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 a minimum school year, and employs a full-time staff of qualified instructors.
- (x) "School for the mentally retarded" means 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, with a staff of qualified instructors, and demonstrate that the facility meets the health and safety standards of the State or local government body.
- (y) "School for the physically handicapped" means a school organized primarily to provide specialized

(Rule 0690-01-1-.02,continued)

instruction to students whose physical handicaps necessitate individual or group instruction. The school must be public or nonprofit and such a school must operate on a full-time basis for the equivalent of a minimum school year prescribed for public school instruction for the physically handicapped, with a staff of qualified instructors, and demonstrate that the facility meets the health and safety standards of the State or local governmental body.

(z) "State agency" means the Department of General Services, Federal Property Utilization Division. (aa)

"University" means a public or nonprofit approved or accredited institution for the instruction and study in the higher branches of learning and which is empowered to confer degrees in special departments or colleges.

0690-1-1-03 ELIGIBILITY

- (1) The State Agency shall determine the eligibility of donees to participate in and receive surplus personal property in accordance with standards and guidelines set forth in FPMR 101-44.207. The State Agency will also provide surplus personal property information to potential eligible applicants. The State Agency will utilize public information media, direct mail-outs, and information releases to public agencies and to nonprofit health and educational organizations. The applicants will also be provided with eligibility applications. Federal personal surplus property will be made available, after certification by the State Agency, to eligible donees certifying that such property is useful and needed when they are:
 - (a) Public agencies carrying out or promoting for the residents of a given area one or more public purposes such as conservation, economic development, education, parks and recreation, public health and public safety.
 - (b) Nonprofit educational or public health institutions such as medical institutions, hospitals, clinics, health centers, schools, colleges, universities, schools for the mentally retarded, schools for the physically handicapped, child care centers, educational radio and television stations licensed by the Federal Communications Commission, museums attended by the public, libraries serving free all residents of a community, district, state, or region, which are exempt from taxation under Section 501 of the Internal Revenue Code of 1954, for purposes of education or public health, including research for such purpose.
- (2) The State Agency shall maintain a complete and current eligibility file on each donee which shall include the following properly executed documents:
 - (a) Application for Eligibility showing:
 1. Legal name and address
 2. Reasons for eligibility
 3. Details on applicant's activities
 4. Public or nonprofit
 5. Statement of financial condition
 - (b) Donee Resolution showing:
 1. An act of the governing body.

(Rule 0690-01-1-.02,continued)

2. Designating individuals to act, obligate and sign for the governing body in acquiring federal surplus property in accordance with terms and conditions of transfer.
 - (c) Evidence of approval, accreditation or licensing.
 - (d) Evidence of public agency or tax exemption under Section 501 of the Internal Revenue Code of 1954.
 - (e) Evidence that the applicant has complied with the GSA's regulation under Title VI of the Civil Rights Act of 1964 and nondiscrimination on the basis of sex as set forth in Code of Federal Regulations, Part 101-44.118 of Title 41.
 - (f) Details of program activities and needs and resources and ability to utilize federal property.
- (3) In certain cases conditional eligibility will be granted newly organized activities which may not have commenced operations, completed construction of its facilities, or not yet been approved, accredited, or licensed as may be required to qualify as an eligible donee. In other cases, there may be no specific authority which can approve, accredit or license the applicant as required for qualification. In such cases, the State Agency may accept letters from public authorities, either local or State, which the State Agency deems competent, such as a Board of Health or Board of Education, that the applicant otherwise meets the standards prescribed for approved, accredited or licensed institutions and organizations.
- (4) The State Agency shall update a donee's eligibility records on a periodic basis, but not less than once every three years, to insure continuing eligibility. When a eligible donee ceases to operate, or when it loses its status by not making prompt payment of service and handling charges or fees, compliance violations or other good reasons, the State Agency shall terminate its distribution of property to such activity.

Authority: T.C.A. Sections 4-330(15), 12-333(5A), and 49-808 through 49-810. See also Public Law No. 94-519.

Administrative History: Original Rule filed August 31, 1977, effective September 30, 1977.

0690-1-1-04 FAIR AND EQUITABLE DISTRIBUTION. The Stage Agency will make property available to the eligible units in the State on a fair and equitable basis. When eligible units indicate an interest in property, it will be distributed on a fair and equitable basis based on their relative needs, resources and ability to utilize the property.

- (1) Factors considered in the distribution of property based on relative needs, resources and ability to utilize the property.
 - (a) Relative needs - In considering requests of potential recipients, the criteria for determining the relative needs will be:
 1. Size and types of programs conducted.
 2. Contemplated use and frequency of use.
 3. Economic condition of agency, activity or institution.
 4. Critical or urgent need.
 5. Geographical location (urban, suburban or rural).
 6. Interest and expression of need on the part of the donee in the property available.
 - (b) Relative resources — In considering the request of potential recipients, the criteria for determining relative resources will be:

1. Funding sources and availability (grants, donations, taxes, etc.).
 2. Equipment availability.
- (c). Ability to utilize — In considering requests of potential recipients, the criteria for evaluating ability to utilize property will be:
1. Length of time in contemplated usage.
 2. When item can be put in use.
 3. Availability of funds to repair or maintain property in use.
 4. Ability of the donee to select and remove property from the distribution center of a Federal activity on a timely basis.
 5. Type and quantity of property received by the donee to date.
- (2) The State Agency operates a distribution center to serve the eligible donees in the distribution of available property. To insure that eligible donees located a greater distance from the distribution center will receive equity in the distribution of desirable items, the donees are invited to submit a listing of major items needed such as vehicles, construction equipment, materials handling equipment, machine tools, generators, air compressors, business machines, boats, aircraft, large electronics and scientific type items, etc. The agency employees will be guided by these requests in their search and selection of property. This equipment (major items) will be distributed on the basis of need, resources, and ability to utilize the property as outlined in Section (1) above. The distribution center is open for donees to visit eight hours per day, five days a week. Small miscellaneous items will be available on a supermarket plant, with quantity limited to any one donee depending upon the total quantity on hand.
 - (3) The State Agency will recommend to General Services Administration the certification of donee screeners, as are qualified and needed in accordance with FPMR 101-44.116. The State Agency will, insofar as practical, economical, and considering equitable distribution among its donees, select that property requested by the donees, and the agency will arrange for direct pickup or shipment of the property to the donee if requested to do so.
 - (4) Donees which suffer or experience a local disaster and/or loss of property due to fire, flood, tornado, etc., will be given a temporary priority for all requested items of property. Special efforts will be made to locate and distribute needed property to them.
 - (5) Where competing requests are received for property items, the State Agency will make a determination as to the donee based on the evaluation of the criteria in paragraph (1) above.

Authority: T.C.A. Sections 4-330(15), 12-333(5A), and 49-808 through 49-810. See also Public Law No. 94-519.

Administrative History: Original Rule filed August 3, 1977, effective September 30, 1977.

0690-1-1-05 FINANCING AND SERVICE CHARGES

- (1) The State Agency is a service organization whose function is to acquire and distribute all available Federal surplus property needed for the eligible recipients in the State. The State Agency does not receive any appropriated funds from either Federal or State sources for operation of the Agency. The total costs for operation must be absorbed by receipts from service charges assessed on items distributed and sales and compliance proceeds. Such charges will be fair and equitable in relation to the service performed and the direct and indirect costs for operation. If any appropriated funds are made available at a later date, they will become part of the capital reserve fund. In general, the assessment of service charges are related to the following factors:

(a) Expenses of operation.

1. Administrative costs including salaries and fixed charges

2. Warehouse operating expenses

3. Transportation expenses

4. Property screening expenses

5. Compliance and utilization review expenses

6. Costs for facility construction, maintenance, and repair (b) Original government

acquisition costs.

(c) Condition and potential of property.

(d) Costs for repair and rehabilitation of property as needed.

- (2) Due to the infinite variety of available property, varying condition, obsolescent factors, and potential use as an item or for parts or material content, the following chart has been developed to assure fair and reasonable service charges:

CHART FOR COMPUTING SERVICE AND HANDLING CHARGES a b**c**

PERCENT OF A/C	ACQUISITION COST	SERVICE CHARGE RANGE
0 - 25%	Up to - \$200	Up to - \$50
0 - 15%	\$200 - \$1,000	Up to - \$150
0 - 10%	\$1,000 - \$5,000	Up to - \$500
0 - 5%	\$5,000 - \$20,000 Up to - \$1,000 0 - 3%	\$20,000 - \$35,000 Up to - \$1,000
0 - 1%	\$35,000 - \$100,000	Up to - \$1,000
Open	Over \$100,000	Negotiable

Direct Pick-Up - Charges on property transferred direct from Holding Agency to a donee will be approximately ½ of the percentage of column a.

Exceptions:

- (a) Rehabilitated property - Direct costs for rehabilitating property will be added to the charge.
- (b) Overseas property - Additional costs for screening and returning property will be added.
- (c) Extraordinary and/or unusual transportation charges - Charges on property with "out-of-the-ordinary" or "unusual transportation cost" will be added.
- (d) Special handling - An additional charge may be made for dismantling, packing, crating, shipping, delivery and other extraordinary charges.
- (e) Adjustment in acquisition cost - When the acquisition cost of an item is unrealistic, an adjustment will be requested from the GSA Region Office prior to assessment of service charge.

- (f) Lotted property - Property issued by pound, in accordance with State Agency inventory system, will be exempt from the above schedule. Service charges will be assessed on price per pound basis.
- (3) The above schedule will be re-evaluated periodically for comparison of operating expenses with income receipts. When it is evident that operating costs exceed operating income, the percentage of A/C (Col. a) will be adjusted accordingly.
- (4) In recognition of reduced agency expenses relating to such factors as loading, unloading, transportation, and screening, recipients making direct pick-up of surplus property from the holding agency will be assessed service charges at a lower rate than property transferred from the State Agency distribution centers. Normally, as a general rule, the rates for direct pick-up will be reduced by 50 percent or more when compared to similar items transferred from the Agency distribution centers. Since the screening process is inextricably involved in the basic function of the State Agency - to make fair and equitable distribution of all available property the savings on screener expenses would not be in as direct proportion as other factors such as transportation, loading, and unloading. A further reduction may be made for direct donee screening.
- (5) The funds accumulated from service charges, appropriated funds, sales and compliance proceeds, or any other source, including funds acquired prior to October 17, 1977, will be deposited with the State Treasury in a specific fund designated for the State Agency, and are to be used solely to cover direct and indirect costs of the State Agency's operation, to purchase necessary equipment, to construct and maintain facilities as required, to rehabilitate donable property items, to purchase replacement parts for donable property items, and to maintain a reasonable working capital reserve, not to exceed \$100,000 over the operating cost of the preceding year. The service charges can be spent in acquiring or improving office space or distribution facilities. The State Agency has the authority subject to the approval of the Commissioner of the Department of General Services and real property regulations of the State of Tennessee. When such facilities are sold or otherwise disposed of, funds will revert to the capital reserve fund subject to the approval of the Commissioner of the Department of General Services and real property regulations of the State of Tennessee. Any excess in working capital reserve will be reduced by reducing service charges to donees. The State of Tennessee does not permit the State Agency to invest funds.

Authority: T.C.A. Sections 4-330(15), 12-333(5A), and 49-808 through 49-810. See also Public Law No. 94-519.

Administrative History: Original Rule filed August 31, 1977, effective September 30, 1977.

0690-1-1-06 TERMS AND CONDITIONS ON DONABLE PROPERTY

- (1) The State Agency imposes the following terms, conditions, reservations, and restrictions on the donees obtaining Federal surplus property:
- (a) All property shall be placed in use for the purpose for which acquired within one year from date of receipt and shall be continued in use for such purpose for one year. 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 Agency, or otherwise make the property available for transfer to another donee.
- (b) Property having a unit acquisition cost of \$3,000 or more, and any passenger motor vehicle, carry a restriction of eighteen months from the date the property was placed in use.
- (c) The State Agency may impose additional restrictions on any items, regardless of unit acquisition cost, as it may deem appropriate. It may further impose special restrictions on property involving special handling or use limitations as the Administrator of General Services may determine necessary because of the characteristics of the property pursuant to FPMR Par. 101-44.108, "Donation of Special Categories of Property," which follows:

(Rule 0690-01-1-.06,continued)

“The Administrator of General Services is authorized, as circumstances warrant, to impose appropriate conditions on the donation of property having characteristics that require special handling or use limitations. In exercising his discretion the Administrator may, on a case-by-case basis, prescribe additional restrictions covering the handling or use of such property.”

- (2) Section 101-44.108-1 — Drugs, biologicals, and reagents other than controlled substances; and certain shelflife items.
- (a) Surplus drugs, biologicals, and reagents which are in Federal Supply Class 6505 and which are not required to be destroyed as provided in Section 101-45.505 may be donated to public agencies for authorized public purposes and to non-profit health and educational institutions. If the report of excess or other communication from the holding activity listing the drugs, biologicals, and reagents indicates any items which are unfit for human use, GSA will not offer such items for donation. Controlled substances (as defined in Section 101-43.001-4) shall not be donated.
- (b) Whenever surplus drugs, biologicals, and reagents are considered for donation, a letter of clearance shall be obtained by the State Agency or designated donee from the Food and Drug Administration (FDA) indicating which items may be safely donated. The State Agency or designated donee shall obtain the letter of clearance and ensure that the letter accompanies Standard Form 123, Application for Donation of Surplus Personal Property. (See Section 101-44.4901-123). Items which do not fall within the purview of FDA, on which FDA indicates are unsuitable, will not be considered by GSA for donation.
- (c) For purposes of obtaining the letter of clearance from FDA, the State Agency or designated donee shall be responsible for obtaining and providing samples of any item that is required. Any payment of costs for laboratory examinations for quality assurance of samples shall be arranged by the State Agency. Before laboratory examinations are undertaken by FDA, an estimate of the expected cost of the quality assurance shall be furnished by FDA to the State Agency.
- (d) In addition, in the case of property requested by a State Agency, the application shall contain also a statement that (1) for any quantity of items approved for donation which is to be stored in a State Agency warehouse prior to distribution, the State Agency certifies that adequate facilities are available to effect full accountability and property storage of the items in accordance with Federal, State, and local statutes governing the acquisition, storage, and accountability of the items requested; (2) the facilities will be used for the protection of the items, including protection against theft and pilferage; (3) the items will be distributed only to institutions licensed and authorized to administer and dispense items or to organizations authorized to store items; and (4) in addition to the normal certifications required by responsible officials of donee institutions or organizations when property is acquired by donation, the State Agency shall obtain a certification from the donee indicating that (i) the items transferred to the donee institution or organization will be safeguarded, dispensed, and administered under competent supervision; (ii) adequate facilities are available to effect full accountability and proper storage of the property in accordance with Federal, State, and local statutes governing the acquisition, storage, and accountability; and (iii) the administration or use of the property will comply with the provisions of the Federal Food, Drug, and Cosmetic Act, as amended (21 U.S.C. 301-392).
- (e) Shelf-life items determined to be surplus in accordance with Section 101-43.313-9(I) shall be made available for donation screening for authorized public purposes, for nonprofit health and educational institutions, and for public airport purposes, pursuant to the provisions of Section 101-44.109. Prior to donation, drugs, biologicals, and reagents other than controlled substances, except those requiring refrigeration or deep freeze and those which are excepted from the provisions of Section 101-43.3139, shall be processed as provided in this Section 101-44.108-1.

(Rule 0690-01-1-.06,continued)

- (f) Medical materials and medical supplies held for national emergency purposes and determined to be surplus in accordance with Section 101-43.313.10(g) shall be made available for donation screening for authorized public purposes, for nonprofit health and educational institutions, and for public airport purposes, pursuant to the provisions of Section 101-44.109. Prior to donation, drugs, biologicals and reagents which are not required to be destroyed as provided in Section 101-45.505 shall be processed as provided in this Section 101-44.108-1.
- (3) Section 101-44.108-2 — Donation of Aircraft — This section provides procedures and conditions for the donation of aircraft which are not classified for reasons of national security and which have been demilitarized where required. The requirements of this paragraph apply to the donation of any fixed- or rotary-wing aircraft with a unit acquisition cost of \$3,000 or more but do not apply to any components, accessories, parts, or appurtenances thereof.
- (a) Plan of utilization — To assist GSA in the allocation and transfer of available surplus aircraft, each SF 123 submitted to GSA for donation of an aircraft covered by this Section 101-44.108.2 shall include a letter of intent, signed and dated by the authorized representative of the proposed donee, setting forth a detailed plan of utilization for the property. The letter of intent shall provide the following information:
1. Description of the aircraft requested, including the type, model or size, and the serial number, if it is known;
 2. Description of the donee's program and the number of aircraft currently owned; and
 3. Whether the aircraft is to be used for flight purposes or non-flight purposes (including ground instruction, simulation or static display), and details of the planned utilization of the property. When the aircraft is requested for cannibalization (recovery of parts and components), the letter of intent should provide details.
- (b) Donation of aircraft to public agencies and nonprofit educational and public health activities.
1. For the donation of an aircraft to a donee eligible in accordance with the provisions of Subpart 101-44.2, the SF 123 and the donee's letter of intent shall be processed by and through the State Agency for the State in which the donee is located, and submitted to GSA for approval.
 2. The State Agency shall require the following use conditions on the donation of aircraft to be used for flight purposes.
 - (i) The aircraft shall be used solely in accordance with the plan of utilization set forth in the donee's letter of intent unless the State Agency, in writing, authorizes a change in the donee's plan of utilization.
 - (ii) The donee shall agree to apply to the Federal Aviation Administration for registration of an aircraft intended for flight use within 30 days of receipt of the aircraft.
 3. In the case of combat-type aircraft, as designated by GSA:
 - (i) The State Agency shall impose a period of restriction on the use of the property which shall be perpetuity and shall not be released by the State Agency without the prior approval of GSA.
 - (ii) During the period of restriction, the donee shall not sell, trade, lease, lend, bail, encumber, or cannibalize for parts unless provided for in the donee's plan of utilization, or otherwise dispose of the aircraft or parts thereof without the written approval of GSA.

(Rule 0690-01-1-.06,continued)

4. If a combat-type aircraft is no longer usable or further needed by the donee, the donee shall promptly notify the State Agency and:
 - (i) Release the aircraft to another donee as determined by the State Agency. (The transfer shall be subject to the same use conditions as required herein.);
 - (ii) Release the aircraft to a department or agency of the United States as determined by GSA;
 - (iii) Sell the aircraft as determined by GSA; or
 - (iv) Render the aircraft completely unfit for any purpose except for the recovery of its basic material content as determined by GSA, the same to be performed in a manner satisfactory to the State Agency, and the material content to be disposed of in accordance with the instructions of the State Agency.
5. If a combat-type aircraft is disposed of by the donee without the prior written approval of GSA or is used for a purpose other than the purpose stated, the donee, at the option of GSA, shall be liable to the United States of America for the proceeds of the disposal, the fair market value, or the fair rental value of the aircraft at the time of authorized transaction or use, as determined by GSA.
6. In the event of a breach by the donee of any of the above conditions pertaining to a combat-type aircraft, whether caused by the legal inability of the donee or its successor in function to perform said conditions or otherwise, all rights, title, and interest in and to the aircraft shall, at the option of GSA, revert to and become the property of the United States of America and the donee, or its successors or assigns, shall forfeit all of its or their rights, title, and interest in and to the aircraft.
7. In the case of any aircraft donated for non-flight use, including cannibalization, the State Agency shall acquire and destroy the aircraft historical modification records and the manufacturer's data plant, and shall by letter so certify to the Federal Aviation Administration at the following address: Chief, Quality Standard Service, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591.
8. The State Agency may impose other terms, conditions, reservations, or restrictions on the use of aircraft donated under this Section 101-44.108-2 which are not inconsistent with the conditions set forth in Sections 101-44.108-2(c)(2) and 101-44.208.
9. In the case of combat-type aircraft, the State Agency shall not grant waivers, amendments, modifications, or releases to the conditions required to be imposed by GSA of the use of the property nor issue disposal instructions to the donee for the aircraft without the prior written concurrence of GSA.
10. Any breach by the donee of any conditions imposed by GSA on the donation of any aircraft shall be reported immediately by the State Agency to GSA.

(c) Donations of aircraft to service educational activities.

1. For the donation of a surplus Department of Defense (DOD) aircraft to a donee eligible in accordance with the provisions of Subpart 101-44.4, the Standard Form 123 and the donee's letter of intent shall be processed by and through the Defense Logistics Agency (DLA), Cameron Station, Alexandria, VA 22314, and submitted to GSA for approval.

(Rule 0690-01-1-.06,continued)

2. Surplus DOD aircraft which have been demilitarized may be approved for donation by GSA to service educational activities for non-flight use, for static display, or for ground instruction and simulation purposes.
3. Surplus DOD non-combat and commercial-type aircraft may be approved for donation by GSA at the request of DLA for flight purposes by service educational activities subject to the following use conditions and agreements which DLA shall require of the donee:
 - (i) The aircraft shall be used solely in connection with the plan of utilization set forth in the donee's letter of intent unless DLA authorizes a change in writing to the donee's plan of utilization.
 - (ii) The donee shall apply to the Federal Aviation Administration for registration within 30 days of receipt of the aircraft.
 - (iii) When the aircraft is no longer usable or needed by the donee for the original purpose for which it was acquired, the donee shall return the aircraft, at its expense, to the nearest DOD disposal activity.

(d) Donations of aircraft for public purposes.

1. For the donation of a surplus aircraft to a donee eligible in accordance with the provisions of Subpart 101-44.5, the SF 123 and the donee's letter of intent shall be processed by and through the Federal Aviation Administration and submitted to GSA for approval.
 2. Surplus cannibalized or demilitarized aircraft may be approved for donation by GSA to a public airport for use in firefighting and rescue training. Flyable aircraft will not be approved for donation for public airport purposes.
- (4) Section 101-44.108-3 — Automatic data processing equipment — For automatic data processing equipment, the State Agency or other donee shall forward the Standard Form 123 to GSA for coordination and clearance with the holding agency. Applications for a computer system(s) must be accompanied by a letter from the intended donee setting forth the proposed use of the equipment.
- (5) Section 101-44.108-4 — Military-type items with lethal characteristics — Except for donation for State and local law enforcement or other public safety use and for limited donation of firearms and ammunition to eligible service educational activities, weapons and other combat-type items with lethal characteristics, which, if released, would be dangerous to the public health or safety, are not donable, and requests for property will not be approved by GSA.
- (6) Section 101-44.108-5 — Bedding and upholstered furniture — A Standard Form 123 submitted to GSA regional office for donation of bedding and upholstered furniture will not be approved by GSA unless the State Agency or other donee includes a statement that the material will be treated in accordance with applicable State laws and regulations before reuse.
- (7) Section 101-44.108-6 — Tax-free alcohol or specially-denatured alcohol.
- (a) Whenever tax-free or specially-denatured alcohol is requested for donation, the donee must possess a special permit to acquire the property issued by the Assistant Regional Commissioner of the appropriate regional office, Bureau of Alcohol, Tobacco, and Firearms (BATF), Department of the Treasury.
 - (b) A Standard Form 123 submitted to a GSA regional office for donation of tax-free or specially denatured alcohol will be not approved by GSA unless the appropriate BATF use permit number is shown.

(Rule 0690-01-1-.06,continued)

- (c) A State Agency shall not store tax-free or specially-denatured alcohol in distribution centers. This property shall be transferred from holding agencies direct to the designated donee.
- (8) Section 101-44.108-7 — Franked and penalty envelopes and paper with official letterhead — A Standard Form 123 submitted to a GSA regional office for donation of paper with an official letterhead or for donation of franked or penalty envelopes on which the penalty indicia has not been obliterated will not be approved by GSA unless the State Agency or other donee includes a statement certifying that the indicia and all other Federal Government markings on the envelopes and paper will be completely obliterated before they are used.
- (9) Section 101-44.108-8 — Pesticides and herbicides — Standard Forms 123 requesting donation of pesticides and herbicides will not be approved by GSA Regional offices until full clearance for use of the property have been received by GSA from the Environmental Protection Agency headquarters office.
- (10) Section 101-44.108-9 — Donation of vessels.
 - (a) Each SF 123 submitted to GSA for donation of a vessel which is 50 or more feet in length shall be accompanied by a letter from the intended donee setting forth the proposed use of the vessel.
 - (b) Each donee, as a condition of the donation, shall agree to obtain documentation of the vessel under the applicable laws of the United States and the several States, to maintain this documentation at all times, and to record each document with the U.S. Coast Guard at the port of documentation of the property within 60 days after acquisition of the vessel.
- (11) The State Agency may amend, modify, or grant release of any term, condition, reservation, or restriction it has imposed on donated items of personal property in accordance with the enclosed standards (Exhibit A, sample copy enclosed), provided that the conditions pertinent to each situation have been affirmatively demonstrated to the prior satisfaction of the State Agency and made a matter of public record.
- (12) Cannibalization of items on which GSA has imposed special handling conditions or use limitations will require prior GSA approval during the period of restriction.
- (13) Non-combat aircraft and vessels over 50' carry a five-year restriction from the date they were placed in use. (See Exhibit B - Vessel Conditional Transfer Document, and Exhibit C - Non-combat type Aircraft Conditional Transfer Document).
- (14) Combat-type aircraft carry a perpetual restriction. (See Exhibit D - Combat-type Aircraft Conditional Transfer Document).
- (15) From the date it receives the property and through the period of time the restrictions 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 the State Agency. The proceeds from any sale, trade, lease, loan, bailment, encumbrance or other disposal of the property, when such action is authorized by the State Agency, shall be remitted promptly by the donee to the State Agency.
- (16) In the event any of the property is sold, traded, leased, loaned, bailed, cannibalized, encumbered, or otherwise disposed of by the donee from the date it receives the property through the periods it is under restriction, without the proper prior approval of the State Agency, the donee, at the option of the State Agency, shall pay to the State Agency 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 the State Agency.
- (17) If at any time from the date it receives the property and throughout the period of restriction any of the property is no longer suitable, usable, or further needed by the donee for the purpose for which acquired, the donee shall promptly notify the State Agency, and shall, as directed by the State Agency, return the

(Rule 0690-01-1-.06,continued)

property to the State Agency, release the property to another donee or another state agency, sell or otherwise dispose of the property. The proceeds from any sale shall be remitted promptly by the donee to the State Agency.

- (18) The donee shall make reports to the State Agency on the use, conditions, and location of the property listed hereon, and on other pertinent matters as may be required by the State Agency.
- (19) At the option of the State Agency, the donee may abrogate the terms, reservations, and restrictions by payment of an amount as determined by the State Agency.

Authority: T.C.A. Sections 4-330(15), 12-333 (5A), and 49-808 through 49-810. See also Public Law No. 94-519.

Administrative History: Original Rule filed August 31, 1977, effective September 30, 1977.

0690-1-1-07 COMPLIANCE AND UTILIZATION

- (1) Items Subject to Compliance Review. The terms, conditions, reservations, and restrictions under which Federal surplus property is donated are stated on the reverse of the property issue document. The State Agency shall conduct utilization reviews for donee compliance on items with a unit acquisition cost of \$3,000 or more and on passenger motor vehicles. Also, reviews will include items of property on which the Administrator of GSA imposes restrictions for special handling and use limitations defined in Rule 0690-11-.06, Terms and Conditions on Donable Property. Major items of equipment on which the State Agency imposes special use restrictions will be of major interest in the reviews.
- (2) Procedures for Conducting Utilization Reviews
 - (a) Compliance Memorandum. It shall be the policy of the State Agency to require a written utilization report from each donee who has acquired an item of property having a unit acquisition cost of \$3,000 or more, a passenger motor vehicle, or certain items on which GSA has imposed special handling and use limitations. After posting invoice to donee ledger card, utilization inquiry letter is mailed in duplicate to donee. Satisfactory replies, reflecting specific date restrictive item is placed into use, or to be placed into use, location, etc. are filed in respective donee restrictive item folder. Nonresponse and insufficient reply cases are sent follow-up letter six months from date of first letter. If after 30 days no reply or unsatisfactory reply, cases are referred to Director for personal visit by State Agency representative.
 - (b) Physical Inspections. State Agency personnel will physically inspect during the period of restriction any major item of property on which the State Agency has imposed a special use limitation. During such visits, State Agency personnel will spot check other items of surplus property acquired with special emphasis on any items with special handling and use limitations imposed on it by GSA.
 - (c) Report of Cannibalization. A report shall be required on items with a unit acquisition cost of \$3,000 or more and passenger motor vehicles on which cannibalization has been authorized to determine if the cannibalization has been performed and if any remaining component is valued at \$3,000 or more.
- (3) Compliance Actions
 - (a) Administrative compliance remedies in cases of non-use, misuse, or unauthorized disposal of donated property which had a unit acquisition cost of \$3,000 or more, passenger motor vehicles, or property distributed with special conditions or restrictions will be undertaken as follows:
 1. Whenever possible and practicable, the property will be placed into eligible use by the present donee, transferred to another eligible donee, or returned to the State Agency.

(Rule 0690-01-1-.07,continued)

2. When it has been determined that property has been ineligible used, demand will be made of the donee organization to pay to the State Agency or to the U.S. Government, in cases where the Federal conditions have been violated, fair rental value for the time the property was ineligible used.
 3. If property has been disposed of and cannot be reclaimed for further use, or if property is worn or damaged so as to render it unfit for further use, the donee organization will be liable for fair market value as described above.
- (b) A full investigation will be conducted when there is evidence that suggests possible property compliance violations. A complete report will be filed with the Regional Office of GSA describing the results of the investigation if any compliance action is taken.
- (c) When fraud in the acquisition of donable property is alleged or suspected, a report containing all available information will be made to the FBI, with notification to the GSA regional office. Local law enforcement officials will be advised of any violations of State restrictions. The State Agency will take necessary actions to prosecute cases of fraud or misuse of donated property and will assist GSA or other responsible Federal or State officials in investigating such cases upon request.

Authority: T.C.A. Sections 4-330-(15), 12-333(5A), and 49-808 through 49-810. See also Public Law No. 94-519.

Administrative History: Original Rule filed August 31, 1977, effective September 30, 1977.

0690-1-1-08 RETURN OF DONATED PROPERTY. When a determination has been made that property has not been put in use by a donee within one year from the date of receipt of the property, or when the donee has not used the property for one year thereafter, under the terms and conditions of the application certification and agreement form signed by the administrative officer or other authorized representative of the donee as a condition of eligibility and repeated on the reverse side of each issue document, the donee, if property is still usable as determined by the State Agency, must:

- (a) Return the property at its own expense to the State Agency warehouse.
- (b) Re-transfer the property to another eligible donee as directed by the State Agency.
- (c) Make such other disposal of the property as the State Agency may direct.
- (d) The State Agency will periodically emphasize this requirement when surveying the utilization of donated property at donee facilities.

Authority: T.C.A. Sections 4-330(15), 12-333(5A), and 49-808 through 49-810. See also Public Law No. 94-519.

Administrative History: Original Rule filed August 31, 1977, effective September 30, 1977.

0690-1-1-09 NON-UTILIZED DONABLE PROPERTY. Property in the possession of the State Agency which cannot be utilized by donees in the State shall be disposed of in accordance with FPMR 101-44.205 as follows:

- (a) Report such property to the Administrator for his approval or disapproval of action contemplated. Make property available to other states.
- (b) Place property on public bid sale, as directed by GSA, with reimbursement to the State Agency for services involved for lotting, marking, and displaying property.
- (c) Request authorization from the Administrator for abandonment or destruction of property no longer usable by the State Agency or the donees.

(Rule 0690-01-1-.09,continued)

- (d) Adjust inventory accordingly.
- (e) The Stage Agency may recover transportation charges for property that was acquired from points of over 100 miles from the location of the State Agency warehouse.

Authority: T.C.A. Section 4-330(15), 12-333(5A), and 49-808 through 49-810. See also Public Law No. 94-519.

Administrative History: Original Rule filed August 31, 1977, effective September 30, 1977.

0690-1-1-10 LIQUIDATION

- (1) In the event a determination is made to liquidate the State Agency, a liquidation plan shall be prepared in accordance with GSA regulations and shall include:
 - (a) Reasons for the liquidation;
 - (b) A schedule for liquidating the Agency and the estimated date of termination;
 - (c) Method of disposing of surplus property on hand, consistent with the provisions of Section 101-44.205;
 - (d) Method of disposing of the Agency's physical and financial assets;
 - (e) Retention of all available books and records of the State Agency for a 2-year period following liquidation.
- (2) Any liquidation plan will be submitted to GSA and approval received prior to the beginning of any such liquidation.

Authority: T.C.A. Sections 4-330(15), 12-333(5A), and 49-808 through 49-810. See also Public Law No. 94-519.

Administrative History: Original Rule filed August 31, 1977.

0690-1-1-11 CONSULTATION WITH ADVISORY BODIES AND PUBLIC AND PRIVATE GROUPS

- (1) The State Agency will arrange for and participate in local, regional, or statewide meetings of such public and private organizations and associations representing public agencies, educational, public health, library, museums, civil defense, etc., to disseminate information on the program, discuss procedures and problems and obtain the recommendations on determining relative needs, resources, and the utilization of property and how we can provide a more effective service. The State Agency will regularly provide information on the donation program to State and local officials, and to heads of nonprofit institutions and organizations and will actively participate and provide speakers for conferences and meetings held by public and private organizations upon request.
- (2) The State Agency in consultation with advisory bodies and public and private groups will invite eligible donees to submit expressions of need and interest for property items so that the State Agency may advise the General Services Administration of such requirements, including requirements for specific items of property. The Assistant Director of the State Agency will be charged with the responsibility of seeing that such consultation is carried out on a regular and equitable way with all advisory bodies and public and private groups. This will be accomplished by regular meetings, telephone surveys, and personal contacts.

Authority: T.C.A. Sections 4-330(15), 12-333(5A), and 49-808 through 49-810. See also Public Law No. 94-519.

Administrative History: Original Rule filed August 31, 1977, effective September 30, 1977.

0690-1-1-12 COOPERATIVE AGREEMENTS. The State Agency has the authority and will enter into such cooperative agreements deemed necessary with GSA or other Federal agencies in accordance with FPMR 101-44.206. Such agreements may involve, but are not limited to:

- (1) Use of property by State Agency
- (2) Overseas property
- (3) Use of Federal Telecommunications System
- (4) Interstate transfers
- (5) Others, as may be necessary

Authority: T.C.A. Sections 4-330(15), 12-333(5A), and 49-808 through 49-810. See also Public Law No. 94-519.

Administrative History: Original Rule filed August 31, 1977, effective September 30, 1977.

0690-1-1-13 FORMS

- (1) A sample copy of release form is enclosed as Exhibit A.
- (2) A sample copy of Vessel Conditional Transfer Document is enclosed as Exhibit B.
- (3) A sample copy of Non-combat-type Aircraft Conditional Transfer Document is enclosed as Exhibit C.
- (4) A sample copy of Combat-type Aircraft Conditional Transfer Document is enclosed as Exhibit D.
- (5) All property issued by the State Agency shall be listed on a distribution document. A sample copy is enclosed as Exhibit E.

Authority: T.C.A. Section 4-330(15), 12-333(5A), and 49-808 through 49-810. See also Public Law No. 94-519.

Administrative History: Original Rule filed August 31, 1977, effective September 30, 1977.

EXHIBIT A

February 25, 1977

In accordance with Part VI of the plan of operation the State agency may amend or grant releases during the period of restriction from the terms, conditions, reservations, or restrictions it has imposed on donated property; in accordance with the following standards provided that the conditions pertinent to each situation have been affirmatively demonstrated to the prior satisfaction of the State agency, and have been made a matter of record:

- (1) Secondary utilization or cannibalization. Secondary utilization or cannibalization may be accomplished provided that:
 - (a) Disassembly of the item for use of its component parts for secondary use or repair and maintenance of a similar item has greater potential benefit than utilization of the item in its existing form;
 - (b) Items approved for disassembly or cannibalization will remain under the period of restriction imposed by the transfer document pending completion of the proposed secondary use or cannibalization; and
 - (c) A written report of such action is made by the donee to the State agency, including a list of all components resulting from the secondary utilization or cannibalization which have a single item acquisition cost of \$3,000 or more. These components will remain under the restrictions imposed by the transfer document. Components with a single item acquisition cost of less than \$3,000 will be released from the restrictions imposed by the transfer document. However, these components will continue to be used or be otherwise disposed of in accordance with applicable law and regulations.
- (2) Trade-in of an item on a similar replacement. An item of donated personal property may be traded in or used as whole or part payment for another like item of property provided:
 - (a) The item being traded in is not, when the request is made, in compliance status for violation of the terms, conditions, reservations or restrictions placed on it.
 - (b) The item being traded in has been used by the donee for eligible purposes for at least 12 months from the date of being placed in use, and it has been demonstrated that the trade-in will result in increased utilization value to the donee;
 - (c) The trade-in is on a one-for-one basis only, i.e., one donated item being traded for one like item having similar use potential.
 - (d) The item being acquired has an estimated market value at least equal to the estimated market value of the item being traded in, and
 - (e) The item is made subject to the period of restriction remaining on the item traded in.
- (3) Abrogation. Except in cases involving the failure to use or the misuse of donated property, abrogation of restriction imposed by the State agency in the transfer instrument may be authorized upon payment to the State agency of an amount representing the fair market value at the time of donation less a credit for the time the property was used for the purpose for which donated, during the period of restriction, and provided that the State agency determines that such action will not result in a windfall revenue to the donee, and provided further that the property has been used for at least 12 months from the date of being placed in use.

- (4) Revision of the acquisition cost. The acquisition cost of an item may be revised provided that the request therefor is made in writing by the donee, and it is determined by the State agency that the listed acquisition cost is unrealistic in view of its research and development costs, its incompleteness due to missing parts, or its generally deteriorated condition.
- (5) Destruction and abandonment. A donated item of personal property may be destroyed or abandoned by a donee when it is determined that the item has no commercial value or the estimated cost of its continued care and handling would exceed the estimated proceeds from its sale. The determination shall be based on a finding made in writing by the State agency and the State agency shall prescribe the means and methods whereby the property shall be destroyed or abandoned.
- (6) Enforcement of compliance. The enforcement of the terms and conditions, reservations and restrictions imposed by the State Agency of donated property, or the remedy of breaches of such terms and conditions, may be satisfied:
 - (a) When payment is made to the State agency of any and all fair rental values due and payable for any unauthorized use of donated property.
 - (b) When payment is made to the State agency of either the fair market value or gross proceeds of sale, whichever is in the best interest of the State, for the unauthorized disposal or destruction of donated property; or
 - (c) When donated property is recovered by the State agency. Custody accountability and distribution of such reverted property are the responsibilities of the State agency.
- (7) Reduction in the period of restriction. Provided an item of donated property is not in compliance status, a reduction the period of restriction may be authorized when a revised standard covering the period of restriction is promulgated by the State agency.
- (8) Limitations. These provisions are not applicable to:
 - (a) Donated military-type aircraft, or other item of property on which GSA has imposed special handing condition or use limitations.
 - (b) Property which was not placed in use for the purposes for which acquired within one year from the date the property was placed in use, and continued in use for one year from the date the property was placed in use, except with respect to secondary use or cannibalization as provided in FPMR 101-44.208(h).

EXHIBIT B

VESSEL CONDITIONAL TRANSFER DOCUMENT

KNOW ALL MEN BY THESE PRESENTS: That the United States of America acting by and through the State of Tennessee, State Agency for Surplus Property (hereinafter called the Donor) pursuant to the powers and authority contained in the Federal Property and Administrative Services Act of 1949 (63 Stat. 377) as amended, for and in consideration of and in reliance upon the representations of _____ whose address is _____ (hereinafter called the Donee) that the Property hereinafter described is required in the furtherance of the Donee's program and that such property will be used solely in connection with such programs and more specifically for all the following purposes:

in accordance with the proposed program and plan as set forth in the Donee's "Letter of Intent" dated ___, as amended ___, which expression of interest is hereby incorporated herein and made part hereof, and for no other purpose, does hereby deliver, sell, assign, and transfer all rights, title, and interest in and to the following described vessel:

together with all engines, appurtenances, and accessories attached thereto or installed therein (all of which are hereinafter referred to as the Property), which has been determined to have a fair value of \$ ___, unto the Donee to have and to hold the said property, all and singular forever, this donation being made on an "as is, where is" basis without warranty of any kind and delivery is made at the present location of the Property regardless of where the same may be situated or the condition thereof:

SUBJECT, HOWEVER, to the following conditions:

1. The Donee agrees to obtain documentation of the vessel under the applicable laws of the United states and regulations promulgated thereunder and the applicable laws of the several States governing the documentation of said Property and at all times to maintain such documentation. Upon written request and sufficient evidence to justify such action, the Donor may waive the requirement for documentation in the case of donated vessels which are to be permanently moored on land and never to be used again on the waterways.
2. The Donee agrees to record this Vessel Conditional Transfer Document with the Coast Guard Documentation Officer at the port of documentation of the Property within sixty days after the receipt of the fully executed

(Rule 0690-01-1-13,continued)

Vessel Conditional Transfer Document. If documentation is waived under (1) above, the requirement for registration may also be waived.

3. The Property shall be placed in use for the purpose stated above no later than 12 months after acquisition thereof and used for a 12-month period thereafter.
4. In the event the Donee does not record this Vessel Conditional Transfer Document with the Coast Guard Documentation Officer at the port of documentation of the Property within 60 days after the date of receipt of the fully executed Vessel Conditional Transfer Document, or in the event the Property is not placed in use within 12 months of receipt and used for a 12-month period thereafter, the Donee shall within 30 days after the date on which the instrument should have been recorded, or within 30 days after the Property has ceased to be used, provide notice thereof, in writing to the Donor, and at the Donee's expense, return such Property to the Donor, or otherwise make the Property available for transfer, provided the property is still usable as determined by the Donor or otherwise dispose of the Property as the Donor may direct.
5. In the event the Property is not so used or handled as required by (1), (2), (3), and (4) above, title and right to the possession of the Property shall, at the option of the Donor, revert to the United States of America. Upon demand the Donee shall, as directed by the Donor or its designee, release the Property to such person or agency as may be designated, sell the Property, or otherwise dispose of the Property. Any sale shall be for the benefit

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and account of the United States of America.

6. There shall be a further period of restriction beginning on the date the Property has been used for the period prescribed in (3) above. This period will expire after the Property has been used for the purpose stated for a period of 48 months.
7. During the period of restriction prescribed in (6) above, the Property shall be used only for the purpose stated above.
8. During the periods of restriction prescribed in (3) and (6) above, the Donee shall make reports to Donor on the use, condition, and location of the Property and on other pertinent matters as may be required from time to time by such Donor.
9. During the periods of restriction prescribed in (3) and (6) above, the Donee shall not sell, trade, lease, bail, cannibalize, encumber, or otherwise dispose of the Property, or remove it permanently for use outside the State, without the prior written approval of the Donor under (3) or (4) above. The proceeds from any sale, trade, lease, loan, bailment, encumbrance or other disposal of the Property during the period of restriction set forth in (3) above when such action is authorized by the Donor shall be for the account of the United States of America, or for the benefit and account of the State of Tennessee during the period of restriction set forth in (6) above.
10. In the event, during the periods of restriction prescribed in (3) and (6) above, the Property is sold, traded, lease, loaned, bailed, cannibalized, encumbered, or otherwise disposed of without prior written approval, or is used for a purpose other than the purposes stated, the Donee at the option of the Donor shall be liable for the proceeds of the disposal, the fair market value, or the fair rental value of the Property at the time of such unauthorized transaction or use, as determined by the Donor.
11. If at any time, from the date the Donee receives the Property through the periods of restriction prescribed in (3) and (6) above, the Property is no longer suitable, usable, or required by the Donee for the purpose for which acquired, the Donee shall promptly notify the Donor, and shall, as directed by the Donor, return the Property to the Donor, re-transfer the Property to another Donee or another State agency, or to a Department or Agency of the United States, sell the Property, or otherwise dispose of the Property as directed.
12. At the option of the Donor, the Donee may obtain abrogation of the terms and conditions set forth in (6) through (11) above by payment of an amount determined by the Donor.
13. The Donor may waive any, or may terminate all, of the terms and conditions set forth in (6) through (11) above, and give unrestricted title to the Property in favor of the Donee whenever such action is determined to be appropriate.

IN WITNESS WHEREOF, the Donor and Donee have duly executed this instrument this day of , 19 .

United States of America, Acting by and
through the State Agency for
Surplus Property.

BY:

TITLE: _____

DONEE:

BY: _____

TITLE: _____

Institution or Organization: _____

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DGS Title VI Compliance Report and Implementation Plan FY 2020-2021

CITY of _____
COUNTY of _____
STATE of _____

On this _____ day of _____, 19_____, before me appeared _____, to me personally known, who, being by me duly sworn, says that he is the person who executed the foregoing instrument and that such instrument was executed under duly delegated authority on behalf of the State Agency Surplus Property, and acknowledged the foregoing instrument to be the free act and deed of the State of _____.

Given under my hand and official seal the day year above written.

Notary Public in and for the
City of _____
County of _____
State _____
of _____

(SEAL)

My Commission Expires: _____

CITY of _____
COUNTY of _____
STATE of _____

On this _____ day of ___, 19_____, before me appeared ____, to me personally known, who, being by me duly sworn, says that he is the person who executed the foregoing instrument on behalf of said ___, and acknowledges to me that he was duly authorized to execute the foregoing instrument and that he executed the same as a free act and deed of said ___.

Given under my hand and official seal the day and year above written.

Notary Public in and for the
City of _____
County of _____
State _____
of _____

(SEAL)

My Commission Expires: _____

EXHIBIT C

NON-COMBAT-TYPE AIRCRAFT CONDITIONAL TRANSFER DOCUMENT

KNOW ALL MEN BY THESE PRESENTS: That the United States of America acting by and through the State of _____, State Agency for Surplus Property (hereinafter called the Donor) pursuant to the powers and authority contained in the Federal Property and Administrative Services Act of 1949 (63 Stat. 377) as amended for and in consideration of and in reliance upon the representations of _____ whose address is _____ (hereinafter called the Donee) that the Property hereinafter described is required in the furtherance of the Donee's program and that such property will be used solely in connection with such programs and more specifically for all the following purpose:

in accordance with the proposed program and plan set forth in the Donee's "Letter of Intent" dated _____, as amended, which Expression of Interest is hereby incorporated herein and made a part hereof, and for no other purpose, does hereby deliver, sell, assign, and transfer all of its rights, title, and interest in and to the following described non-combat-type aircraft, aircraft engines, and propellers,

together with all engines, appurtenances, and accessories attached thereto or installed therein (all of which are hereinafter referred to as the Property) which as been determined to have a fair value of \$_____, unto the Donee to have and to hold the Property, all singular forever, this donation being made on an "as is, where is" basis without warranty of any kind, and delivery made at the present location of the Property regardless of where the same may be situated or the condition thereof; subject, however, to the following conditions:

1. The Donee agrees to apply to the Federal Aviation Administration for registration of the Property which is intended for flight purposes within 30 days of the receipt of a fully executed copy of this instrument. The Donee's application for registration shall include a fully executed copy of the instrument.
2. The Property shall be placed in use for the purpose stated above no later than 12 months after acquisition thereof, and used for a 12 month period thereafter.
3. In the event the Donee does not apply to the Federal Aviation Administration for registration of the Property which is intended for flight operations (or other uses unless registration is waived by the Donor) or in the event the aircraft Property is not placed in use within 12 months or receipt and used for a 12 month period thereafter, the Donee, within 30 days after the Property has ceased to be used, provide notice thereof, in writing to the Donor, and at the Donee's expense, return such Property to the Donor, or otherwise make the Property available for transfer, provided the property is still usable as determined by the Donor, or otherwise dispose of the Property as the Donor may direct.
4. In the event the Property is not so used or handled as required by (1), (2), and (3) above, title and right to the possession of the Property shall at the option of the Donor revert to the United States of America. Upon demand the donee shall, as directed by the Donor or its designee, release the Property to such person or agency as may be designated, sell the Property, or otherwise dispose of the Property. Any sale shall be for the benefit and account of the United States.
5. There shall be a further period of restriction beginning on the date the Property has been used for the period prescribed in (2) above. This period will expire after the Property has been used for the purpose stated for a period of 48 months.
6. During the period of restriction prescribed in (5) above, the Property shall be used only for the purpose stated.
7. During the periods of restriction prescribed in (2) and (5) above, the Donee shall make reports to the Donor on the use, condition, and location of the Property and on other pertinent matters as may be required from time to time by such Donor.
8. At the expiration of the period of restriction, prescribed in (5) above, a release document shall be executed by the Donor and forwarded to the Donee.

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9. During the periods of restriction prescribed in (2) and (5) above, the Donee shall not sell, trade, lease, lend, bail, cannibalize, encumber, or otherwise dispose of the Property, or remove it permanently for use outside the State, without the prior written approval of the Donor under (2) or under (5) above. The proceeds from any sale, trade, lease, loan, bailment, encumbrance, or other disposal of the Property during the period of restriction set forth in (2) above, when such action is authorized by the Donor, shall be for the benefit and account of the United States of America, or for the benefit and account of the State of during the period of restriction set forth in (5) above.
10. In the event, during the periods of restriction prescribed in (2) and (5) above, the Property is sold, traded, leased, loaned, bailed, encumbered, or otherwise disposed of without prior written approval, the Donee, at the option of the Donor, shall be liable for the proceeds of the disposal, the fair market value, or the fair rental value of the Property at the time of such unauthorized transaction or use, as determined by the Donor.
11. If at any time, from the date the Donee receives the Property through the periods of restriction prescribed in (2) and (5) above, the Property is no longer suitable, usable, or further needed by the Donee for the purpose for which acquired, the Donee shall promptly notify the Donor and shall as directed by the Donor:
 - (a) Release the Property to another donee or State agency; or
 - (b) Release the Property to a Department or Agency of the United States; or
 - (c) Release the Property to such other institution or agency as may be determined to have need therefor; or
 - (d) Sell the Property with the proceeds remitted promptly from the Donee to the Donor; or
 - (e) Render the Property completely unfit and useless for any purpose except for the recovery of its basic material content, the same to be performed in a manner satisfactory to the Donor and the material content to be disposed of in accordance with instructions of the Donor; or (f) Otherwise dispose of the Property.
12. At the option of the Donor, the Donee may obtain abrogation of the terms and conditions set forth in (5) through (11) above by payment of an amount determined by the Donor.
13. The Donor may waive any, or may terminate all, of the terms and conditions set forth in (5) through (11) above, and give unrestricted title to the Property in favor of the Donee whenever such action is determined to be appropriate.

IN WITNESS WHEREOF, the Donor has duly executed this instrument this _____ day of _____, 19 _____.

United States of America, Acting by and through the
State Agency for Surplus Property.

BY: _____

TITLE: _____

DONEE:

BY: _____

Institution or Organization: _____

TITLE: _____

CITY of _____

COUNTY of _____
STATE of _____

On this day of ___, 19 ___, before me appeared ___, to me personally

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known, who, being by me duly sworn, says that he is the person who executed the foregoing instrument and that such instrument was executed under duly delegated authority on behalf of the State Agency Surplus Property, and acknowledged the foregoing instrument to be the free act and deed of the State of _____.

Given under my hand and official seal the day year above written.

Notary Public in and for the _____
City of _____
County of State _____
of _____

(SEAL)

My Commission Expires: _____

CITY _____
of _____

COUNTY of _____, 19 _____, before me appeared , to me personally
STATE of _____

On this _____ day of

known, who, being by me duly sworn, says that he is the person who executed the foregoing instrument on behalf of said ___, and acknowledges to me that he was duly authorized to execute the foregoing instrument and that he executed the same as a free act and deed of said _____.

Given under my hand and official seal the day and year above written.

Notary Public in and for the _____
City of _____
County of State _____
of _____

(SEAL)

My Commission Expires: _____

EXHIBIT D

COMBAT-TYPE AIRCRAFT CONDITIONAL TRANSFER

KNOW ALL MEN BY THESE PRESENTS: That the United States of America acting by and through the State of _____, State Agency for Surplus Property (hereinafter called the Donor) pursuant to the powers and authority contained in the Federal Property and Administrative Services Act of 1949 (63 Stat.377) as amended, for and in consideration of and in reliance upon the representations of whose address is _____ (hereinafter called the Donee) that the Property hereinafter described is required in the furtherance of the Donee's program and that such property will be used solely in connection with such programs and more specifically for all the following purpose:

in accordance with the proposed program and plan as set forth in the Donee's "Letter of Intent" dated ___, as amended ___, which Expression of Interest is hereby incorporated herein and made a part hereof, and for no other purpose, does hereby deliver, sell, assign, and transfer all rights, title, and interest in and to the following described combat aircraft, aircraft engines, and propellers,

together with all engines, appurtenances, and accessories attached thereto or installed therein (all of which are hereinafter referred to as the Property), which has been determined to have a fair value of \$ ___, unto the Donee to have and to hold the Property, all singular forever, this donation being made on an "as is, where is" basis without warranty of any kind, and delivery made at the present location of the Property regardless of where the same may be situated or the condition thereof; Subject, However, to the following conditions:

1. The Donee agrees to apply to the Federal Aviation Administration for registration of the Property which is intended for flight purposes within 30 days of the receipt of a fully executed copy of this instrument. The Donee's application for registration shall include a fully executed copy of this instrument.
2. The Property shall be placed in use for the purpose stated above no later than 12 months after acquisition thereof and shall be used thereafter in perpetuity.
3. In the event the Donee does not apply to the Federal Aviation Administration for registration of the Property which is intended for flight operations (or other uses unless registration is waived by the Donor) or in the event the aircraft Property is not placed in use within 12 months of a receipt and used thereafter in perpetuity, the Donee, within 30 days after the Property has ceased to be used, provide notice thereof, in writing to the Donor, or otherwise make the Property available for transfer, provided the Property is still usable as determined by the Donor, or otherwise dispose of the Property as the Donor may direct.
4. In the event the Property is not so used or handled as required by (1), (2), and (3) above, title and right to the possession of the Property shall at the option of the Donor revert to the United States of American. Upon demand the Donee shall, as directed by the donor, or its designee, release the property to such person or agency as may be designated, sell the Property, or otherwise dispose of the Property. Any sale shall be for the benefit and account of the United States of America.
5. The Donee shall make reports to the Donor on the use, condition and location of the Property and on other pertinent matters as may be required from time to time by the Donor.
6. The Donee shall not sell, trade, lease, lend, bail, encumber, cannibalize or dismantle for parts, or otherwise dispose of the aircraft Property or any parts thereof, without prior written approval of Donor. Any sale, trade, lease, loan, bailment, encumbrance, cannibalization or other disposal of the Property when such action is authorized in writing by the Donor shall be for the benefit and account of the United States of America.

DISTRIBUTION OF FEDERAL SURPLUS PROPERTY
WITHIN THE STATE OF TENNESSEE

CHAPTER 0690-1-1

7. In the event the aircraft Property is no longer suitable, usable, or further needed by the Donee for the purpose for which acquired, the Donee shall promptly notify the Donor and shall as directed by the Donor:
 - (a) Release the Property to another donee or State agency; or
 - (b) Release the Property to a Department or Agency of the United States; or
 - (c) Release the Property to such other institution or agency as may be determined to have need therefor; or
 - (d) Sell the Property for the benefit and account of the United States of America; or
 - (e) Render the Property completely unfit and useless for any purpose except for the recovery of its basic material content, the same to be performed in a manner satisfactory to the Donor and the material content to be disposed of in accordance with instructions of the Donor as appropriate, or their designee; or (f) Otherwise dispose of the aircraft Property.
8. In the event the aircraft Property is disposed of without prior written approval, or is used for a purpose other than the purpose stated, the Donee, at the option of the Donor, shall be liable to the United States of America for the proceeds of the disposal, the fair market value, or the fair rental vale of the aircraft Property at the time of such unauthorized transaction or use, as determined by the Donor.
9. In the event of a breach by the Donee, or its successor in function, of any of the above conditions, whether caused by the legal inability of the said Donee or its successor in function, interest in and to the said aircraft Property shall, at the option of the Donor forthwith revert to and become the property of the United States of America, and the Donee, or its successors or assigns, shall forget all of its or their rights, title and interests in and to the said aircraft Property.
10. The Donor may terminate such of the above conditions as it determines to be appropriate.

IN WITNESS WHEREOF, the Donor has duly executed this instrument this _____ day of _____, 19 _____.

United States of America, Acting by and through the
_____ State Agency for Surplus Property.

BY: _____
TITLE: _____
DONEE:
BY: _____
TITLE: _____
Institution or Organization _____

CITY of _____

COUNTY of _____
STATE of _____

On this _____ day of ___, 19 ___, before me appeared ___, to me personally known, who, being by me duly sworn, says that he is the person who executed the foregoing instrument and that such instrument was executed under duly delegated authority on behalf of the ___ State Agency Surplus Property, and acknowledged the foregoing instrument to be the free act and deed of the State of _____.

Given under my hand and official seal the day year above written.

DISTRIBUTION OF FEDERAL SURPLUS PROPERTY
WITHIN THE STATE OF TENNESSEE

CHAPTER 0690-1-1

Notary Public in and for the
City of _____
County of _____
State of _____

(SEAL)

My Commission Expires: _____

CITY of _____
COUNTY of _____
STATE of _____

On this day of _____, 19_____, before me appeared _____, to me personally known, who, being by me duly sworn, says that he is the person who executed the foregoing instrument on behalf of said_____, and acknowledges to me that he was duly authorized to execute the foregoing instrument and that he executed the same as a free act and deed of said _____.

Given under my hand and official seal the day and year above written.

Notary Public in and for the
City of _____
County of _____
of _____

(SEAL)

My Commission Expires: _____

DISTRIBUTION OF FEDERAL SURPLUS PROPERTY WITHIN THE STATE OF TENNESSEE

CHAPTER 0690-1-1

EXHIBIT E

DEPARTMENT OF GENERAL SERVICES
FEDERAL PROPERTY UTILIZATION DIVISION

**ISSUE SHEET
and
INVOICE**

DATE _____

ID NUMBER _____

INSTITUTION _____ **COUNTY** _____ **INVOICE NO.** _____

ADDRESS _____ POSTED: _____

PURPOSES FOR WHICH PROPERTY IS BEING ACQUIRED:

BEING THE DULY AUTHORIZED AGENT OF THE ABOVE DONEE ORGANIZATION, I ACCEPT THE PROPERTY LISTED HEREON AND ON THE ATTACHED CONTINUATION SHEET(S) WHERE APPROPRIATE, AND COMMIT THE DONEE TO COMPLY WITH THE TERMS AND CONDITIONS PRINTED ON THE REVERSE OF THIS DOCUMENT AND INVOICE.

SIGNATURE OF AGENT	DATE
--------------------	------

• LETTER ATTACHED

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 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 purposes. 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 and 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.

B. THE DONEE AGREES TO THE FOLLOWING FEDERAL CONDITIONS:

1. All items of property shall be placed in use for the purposes 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 donee 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.
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 from the date the property is placed in use, except for such items of major equipment, listed hereon, on which the State Agency designates a further period of restriction.
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 Tennessee 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 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 the 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:

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.

APPENDIX E DONOR QUALIFICATIONS

DONOR QUALIFICATIONS

To become eligible to receive state and federal surplus property from the Department of General Services Vehicle and Asset Management Division (VAM), organizations must qualify as one of the type agencies listed below, and submit the required Application for Eligibility package. The application package is located on the Department's website.

The following organizations may be eligible to acquire State and Federal surplus property:

- State departments and agencies
- Cities/Towns
- Counties
- Utility Districts
- Special School Districts
- Human Resource Agencies
- Non-profit accredited educational institutions
- Non-profit licensed health agencies
- Non-profit organizations serving homeless individuals
- Non-profit organizations serving impoverished families/individuals
- Non-profit organizations serving older Americans
- SEAs (Service Educational Activities)

The Application for Eligibility package represents the documents that must be completed by your organization in order to be considered.

Please complete the forms in accordance with the instructions. Also please note the terms and conditions to acquire surplus property. After completing all required information on the four pages, mail them to this office (must have original copies):

Department of General Services
Vehicle and Asset Management Division
6500 Centennial Boulevard
Nashville, TN 37243-0543
Telephone 615/350-3373 Fax
615/350-3379

Please ensure that all questions are answered completely, and that all required supporting documentation is included. Incomplete applications will not be processed and will cause a delay in your becoming eligible to receive surplus property.

The application will be reviewed for approval by the Director of VAM/Surplus. The organization is then notified by letter of their approval status.

APPENDIX F

DGS Title VI Complaint Form

TN Tennessee State Government

State of Tennessee Department of General Services Title VI Complaint Form

Date & Time
Sep - 21 - 2017 - 12 - : 33 - PM -

Name of Complainant*
 First Name Last Name

Complainant's Address*

 City State ZIP Code

Email

Phone*

Name of Person(s), Agency or Entity (involved in this complaint)*

Location or Address (where the alleged discrimination occurred)*

Date of the Alleged Discrimination*

If the alleged discrimination falls within a date range instead of one specific date, please include the date range below, the date of the first incident and the date of the most recent incident.

Please Explain the Basis of Your Complaint*

For example: give dates when applicable, describe what protected class was discriminated against and how that class/person was treated differently than others.

What Do You Want To Happen as a Result of This Complaint*

Signature*

Use your mouse or finger to draw your signature above [sign]

APPENDIX G
DGS COMPLAINT LOG

Department of General Services' Title VI Complaint Log

Number	Date	Quarter	Name of Person Making Complaint	Division and/or Employee That The Complaint Is About	Date of Complaint	Actions Taken	Final Outcome
-	10/1/2020	1 st Q FY 2021	-	-	-	No complaints Received in 1st Qr. AF	-
-	1/7/2021	2 nd Q FY 2021	-	-	-	No complaints Received in 2nd Qr. AF	-
-	4/4/2021	3 rd Q FY 2021	-	-	-	No complaints Received in 3rd Qr. AF	-
-	7/7/2021	4 th Q FY 2021	-	-	-	No complaints Received in 4th Qr. AF	-

APPENDIX H

DGS TITLE VI TRAINING PROGRAM

 Department of
General Services

Title VI of the Civil Rights Act of 1964

Annual Training

1

What is Title VI? Federal Law

"No person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefit of, or be subjected to discrimination under any program or activity receiving Federal financial assistance."

42 U.S.C. § 2000d

Tennessee Code Annotated § 4-21-904

It does not apply to discrimination based on age, sex, geographical locale, or wealth.



2

Purpose of Training

To ensure General Services employees are aware of the provisions of Title VI of the Civil Rights Act of 1964 and the minimum requirements to be in compliance with its rules, laws, and regulations.



3

Protected Classes

1. Race:
 - American Indian or Alaska Native
 - Asian
 - Black or African American
 - Native Hawaiian or other Pacific Islander
 - White
 - Person may identify one or more race in addition to identifying their ethnicity as Hispanic or Latino
2. Color: skin color
3. National Origin: country of ancestry (not country of citizenship)



4

Funded Programs

It is a discriminatory practice for state agencies receiving federal funds making it subject to Title VI of the Civil Rights Act of 1964, or for any person receiving federal funds from a state agency, to exclude a person from participation in, deny benefits to a person, or to subject a person to discrimination under any program or activity receiving such funds on the basis of race, color, or national origin.

TCA § 4-21-904



5

Federal Financial Assistance

Federal financial assistance means more than just money. It is also aid that enhances the ability to improve or expand allocation of recipient's own resources. Examples might include:

- Student Aid
- Training of employees
- Award or grant money
- Use or rent of federal land or property below market value
- Tax incentives
- Loan of federal personnel
- Technical Assistance



6

Programs or Activities Covered by Title VI

Discrimination is prohibited throughout an entire agency or institution if any part of that agency or institution receives Federal financial assistance, not just actions involving the federally assisted program.

The entire agency is required to comply with Title VI, not just that particular program.



7

Applicability to DGS

Although the Department does not directly receive Federal funding, the Vehicle & Asset Management (VAM) Surplus Property program receives Federal surplus property, which it sells to governmental subdivisions, non-profit organizations, and the public.

Because VAM receives and redistributes Federal surplus property to eligible recipients, all of the Department's operations are subject to the requirements of Title VI.



8

DGS Title VI Policy

"No person, based on race, color, or national origin, shall be excluded from participation in, be denied the benefits of, or otherwise subjected to discrimination under any program, service, or activity operated, funded, or overseen by the Tennessee Department of General Services."



9

Limited English Proficiency (LEP)

Presidential Executive Order 13166

- Agencies and recipients must take reasonable steps to provide meaningful access to LEP individuals.
- LEP individuals are defined as persons who do not speak English as their primary language with a limited ability to read, speak, write, or understand English.
 - This includes people who do not speak English at all.
- Providing language assistance ensures that services are not delayed or denied because of communication issues.

The Department is covered by a statewide contract to provide interpreter services:
Lingüistica International



10

How To Use Interpreter Services



11

DGS Limited English Proficiency (LEP) Policy

"The Department of General Services does not discriminate against anyone with Limited English Proficiency (LEP), who participates in our programs and/or services and steps have been taken to ensure that all individuals will be able to communicate, either through written or oral language services, with members of our staff."



12

Title VI Does...

- Prohibit entities from denying service, financial aid, or other benefits.
- Prohibit entities from providing services or benefits that are different or inferior.
- Prohibit segregation or separate treatment.
- Prohibit entities from requiring different standards or conditions as prerequisites in order to be eligible for benefits.



13

Title VI Does...

- Encourage the participation of minorities as members of planning or advisory bodies.
- Prohibit discriminatory activities in facilities built with federal funds.
- Require information and services to be provided in languages other than English.
- Require entities to notify the eligible population about applicable programs.
- Require assurance of nondiscrimination in purchasing of services.



14

Title VI Does Not...

- Apply to federal assistance provided through insurance or guaranty contracts.
- Apply to employment, except where employment practices result in discrimination against program beneficiaries or where the purpose of the Federal assistance is to provide employment.
- Apply to benefit programs such as Social Security.
- Apply to contracts and set-aside programs.
- Provide relief for discrimination based on age, sex, geographical locale, or wealth.

Department of General Services

15

How Is Title VI Different From Respectful Workplace?

- Respectful workplace covers discrimination and harassment in the workplace.
- Title VI only applies to discrimination in the provision of public services and is limited to race, color, or national origin discrimination.

For Example:

Example	Type of issue	Who To Contact
A coworker uses a racial slur towards another coworker.	Respectful Workplace	Human Resources Business Partner
A government office denies food stamps to a person because of their race.	Title VI	Department Title VI Coordinator (or Tennessee Human Rights Commission)



16

How to File a Compliant

TCA § 4-21-905

- Aggrieved persons may file a complaint with the state agency within 180 days of the alleged occurrence or when the alleged discrimination became known to the complainant.
- Complaints may also be filed with the Tennessee Human Rights Commission or the U.S. General Services Administration.
- Recipients or beneficiaries can contact Abdul Fathi, the General Services Title VI Coordinator, or Debi Moss, the Director of Internal Audit, for assistance or more information.

Department of General Services
Office of Internal Audit
Tennessee Tower, 22nd Floor
Nashville, TN 37243
(615) 532-1968 or (615) 741-0068
DGS.Audit@tn.gov



17

DGS Divisional Representatives

Each DGS division has a designated Title VI representative. These staff members are trained on Title VI regulations to ensure compliance within their division. If you need immediate assistance with a Title VI or LEP issue, please contact your divisional representative or the Title VI coordinator.

- Department Coordinator: Abdul Fathi (Internal Audit)
- CPO: Helen Crowley
- OFM: Marva Bradford
- STREAM: Daphne Hall
- Vehicle & Asset Management: Monique Taylor
- Communications, Document Solutions: Austin Long



18

Public Notice and Outreach

Accomplished through:

- Annual training to all DGS staff
- Title VI Implementation Plan and Title VI



Information available on the DGS website

- Compliance Posters
- Brochures



19

What Do I Do If...?

I see someone being denied access to a DGS program or service because of their race, color, or national origin...

- Contact the Title VI Coordinator or the Title VI Representative for your division.
- You may also contact the Tennessee Human Rights Commission or the U.S. General Services Administration.

20

What Do I Do If...?

Someone tells me they want to file a Title VI complaint....

- Contact the Title VI Coordinator or the Title VI Representative for your division.
- You may also contact the Tennessee Human Rights Commission or the U.S. General Services Administration.

21

What Do I Do If...?

I have a question or a concern about Title VI...

- Contact the Title VI Coordinator



23

What Do I Do If...?

A customer approaches me who does not speak English...

Contact Linguistica Services at **866-908-5744**. A Linguistica representative will provide you with translation assistance over the phone. When finished assisting the customer, please contact the Title VI Coordinator.

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Contact Information

- Title VI Coordinator: Abdul Fathi
(615) 532-1968
Abdul.s.fathi@tn.gov
- TN Human Rights Commission:
(615) 741-5825 or 1-800-251-3589
<http://tn.gov/humanrights/>
- U.S. General Services Administration
Office of Civil Rights: (202) 501-0767
ocr@gsa.gov

24

Thank You!

Thank you for completing the Department of
General Services' annual Title VI training
Please close this window and click on Return to
Activity Progress to complete this course



APPENDIX I
Contractors and Vendors List

Vendor Name	Vendor GoDBE Certification	Contract Description	Begin Dt	Expire Dt	Max. Amt	Vendor Selection Method
U S Bank National Assoc		Fuel Card	11/1/2016	10/31/2021	\$66,000,000.00	RFP
Meade Equipment LLC		FireFighting Bulldozers	10/1/2018	9/28/2022	\$18,920,924.00	RFx (ITB)
CUMBERLAND INTERNATIONAL TRUCKS INC		Transport Trucks	12/14/2018	12/13/2022	\$10,832,059.26	RFx (ITB)
Anchor Tours Inc	GODEBE-SBE	Shuttle Service	9/1/2016	8/31/2021	\$6,262,201.04	RFx (ITB)
Eye In the Sky LLC	GODEBE-SBE	Access Control	1/8/2019	1/7/2022	\$3,163,400.00	RFx (ITB)
e-Builder Inc		RFP 32101-17108 - PMOS	10/31/2017	12/31/2021	\$2,980,636.67	RFP
Ricoh USA Inc		Inkjet Continuous Feed Printer	12/20/2017	12/19/2022	\$2,528,688.20	RFx (ITB)
CONVERTERS ACQUISITION LLC		DGS: InkJet Printer Paper	12/15/2020	6/16/2022	\$1,752,140.00	RFx (ITB)
Mac Papers Inc		DGS: InkJet Printer Paper	6/17/2019	6/16/2021	\$1,684,750.00	RFx (ITB)
Datamarketing Network Inc		Mail Insertion and Overflow Se	3/1/2019	2/29/2024	\$1,315,475.00	RFx (ITB)
Signature Graphics Inc		MVM Car Wraps - Installation	5/1/2017	4/30/2021	\$999,990.00	RFx (ITB)
Signature Graphics Inc		VAM Car Wraps Installations	5/3/2021	5/2/2024	\$932,901.00	RFx (ITB)
						Competitive Negotiation
Blues City Tours Inc	GODEBE-MBE	Memphis Shuttle Service	2/3/2021	1/31/2026	\$874,000.00	RFx (ITB)
Blues City Tours Inc	GODEBE-MBE	Memphis Shuttle Service	2/1/2016	1/31/2021	\$804,268.71	RFx (ITB)
Applied Data Systems Inc		Archibus Support	7/1/2017	6/30/2022	\$750,000.00	RFP
Stell System		32101-11310	2/3/2020	2/2/2023	\$742,857.14	RFx (ITB)
Truckers Lighthouse Inc	GODEBE-SBE	32101-11367 Install Law Enforc	3/1/2020	2/28/2023	\$445,294.00	RFx (ITB)
Pitney Bowes Presort Services Inc		Presort Mail Services - DGS Po	8/1/2018	7/31/2023	\$360,000.97	RFx (ITB)
Datamarketing Network Inc		Mail Insertion and Overflow	8/1/2018	7/31/2023	\$261,985.00	RFx (ITB)
Granville Associates Inc		IBM Toner and Developer	10/1/2015	8/30/2020	\$246,781.50	RFx (ITB)
Tennessee Documentation Services LLC		Photo Documentation Services	11/1/2016	10/31/2021	\$245,000.00	RFx (ITB)
Signature Graphics Inc		MVM Vehicle Wrap Material	5/1/2017	4/30/2021	\$230,000.00	RFx (ITB)
Signature Graphics Inc		VAM Vehicle Wrap Materials	5/3/2021	5/2/2024	\$228,825.00	RFx (ITB)
						Competitive Negotiation
CPR CHOICE LLC		AED Maintenance - Dept. of Gen	5/3/2021	5/2/2024	\$213,119.00	RFx (ITB)
SMITH SECKMAN REID INC		TN Tower Commissioning	4/17/2017	4/16/2021	\$203,354.20	RFx (ITB)
Pipkin & Associates		Appraisal Review	1/1/2018	12/31/2023	\$201,061.65	RFP
Wiss Janney Elstner Associates Inc		Building Vibration Monitoring	9/28/2016	9/27/2021	\$146,599.10	RFx (ITB)
DriverCheck Inc		VAM Bumper Sticker Call Center	12/1/2020	11/30/2022	\$112,500.00	RFx (ITB)
Fujifilm North America		Fujifilm Platesetter and Maint	9/21/2015	9/20/2020	\$104,829.20	RFx (ITB)
DriverCheck Inc		VAM Call Center	12/1/2018	11/30/2020	\$70,000.00	RFx (ITB)
Mark Andy Inc		Printing Supplies	1/21/2018	1/20/2021	\$41,000.00	RFx (ITB)
MCC		Digital Duplicator	8/29/2016	5/31/2021	\$21,829.66	RFx (ITB)
J & C Grinding LLC		32101-11777 Printing Supplies	5/3/2021	5/2/2024	\$19,752.00	RFx (ITB)
A&M Equipment Sales Inc		DGS Badging Supplies	4/15/2019	4/14/2024	\$17,800.00	RFx (ITB)
						Non-Competitive Negotiation
Amazon Capital Services Inc		Amazon Business Prime License	7/1/2019	6/30/2023	\$17,495.00	RFx (ITB)
GRAPHICS EQUIPMENT SUPPLY		32101-11777 Printing Supplies	5/3/2021	5/2/2024	\$16,780.50	Other
DMT Solutions Global Corporation		Mailroom Equipment Maintenance	4/15/2019	4/14/2022	\$3,140,409.00	Non-Competitive Negotiation
						Non-Competitive Negotiation
Coupa Software Inc		Coupa / SmartShop	1/1/2020	12/31/2025	\$1,817,060.00	Non-Competitive Negotiation
						Non-Competitive Negotiation
XEROX CORPORATION		Ultra HD Printer v2100	12/1/2016	11/30/2021	\$553,556.60	Non-Competitive Negotiation
						Non-Competitive Negotiation
XEROX CORPORATION		Nuvera Printer Maintenance	2/1/2021	1/31/2023	\$180,556.80	RFx (ITB)
XEROX CORPORATION		Xerox 1000 Maintenance	7/8/2019	7/7/2021	\$176,707.44	RFx (ITB)
CoStar Realty Information Inc		32101-11273 ITB SCR	12/17/2019	12/16/2022	\$101,454.48	RFx (ITB)

Fujifilm North America		Fujifilm Metal Plates	10/1/2020	9/30/2025	\$30,000.00	Non-Competitive Negotiation
Smiths Detection Inc		DGS Mail Room X-Ray Maint.	9/4/2019	9/3/2024	\$20,885.10	RFx (ITB)
Siemens Industry Inc		Desigo CC Maintenance	5/1/2020	4/30/2023	\$18,036.00	Non-Competitive Negotiation
Maple Street Properties LLC		Monthly lease \$17,661.74	1/18/2015	1/31/2022	\$2,143,128.05	
BLINK MARKETING INC		Ellington Agricultural Center	5/21/2021	11/21/2021	\$105,997.04	RFx (ITB)
FreightWise LLC		LTL Trucking Event 11584	11/1/2020	10/31/2023	\$100,000.00	RFx (ITB)
LobbyGuard Solutions LLC			6/1/2021	5/31/2025	\$235,000.00	Other
AskReply Inc	GODEBE-SBE		11/1/2020	10/31/2025	\$228,476.00	Non-Competitive Negotiation
Paint Pros II Llc		Vehicle Painting	2/15/2021	2/14/2026	\$183,400.00	RFx (ITB)
Delegated Contracts		DS Overflow Print	7/18/2020	7/17/2021	\$1,259,904.78	Other
Delegated Contracts		Overflow Print Services DA	7/18/2019	7/17/2020	\$1,236,277.08	Other
Delegated Contracts		STREAM - Land Surveys	7/1/2020	6/30/2021	\$1,000,000.00	Other
Delegated Contracts		STREAM Real Estate Appraisals	7/1/2020	6/30/2021	\$500,000.00	Other
Delegated Contracts		STREAM ESA	7/1/2020	6/30/2021	\$250,000.00	Other
Delegated Contracts		DA-MVM Bus Repair	8/1/2019	7/31/2020	\$140,000.00	Other
Delegated Contracts		VAM- Bus Repair	8/1/2020	7/31/2021	\$140,000.00	Other
Delegated Contracts		STREAM Title Search	7/1/2020	6/30/2021	\$120,000.00	Other
KONE INC		SWC #182 Elevator Maintenance	4/1/2019	3/31/2022	\$1,300,000.00	RFx (ITB)
Delegated Contracts		DA -Repair to Wrecked Vehicles	5/1/2020	4/30/2021	\$2,000,000.00	Other
Delegated Contracts		DA -Repair to Wrecked Vehicles	5/1/2021	4/30/2022	\$2,000,000.00	Other
HS FINANCIAL GROUP LLC		Collection Agency Services	1/1/2017	12/31/2021	\$200,000.00	RFP
GOVERNORS BOOKS FOR BIRTH FOUNDATION		Books for Children	7/1/2020	6/30/2021	\$4,525,000.00	Other
Mark Andy Inc		32101-11703 Printing Supply	1/11/2021	1/10/2024	\$190,963.15	RFx (ITB)
Paint Pros II Llc		THP Vehicle Painting	9/10/2018	9/9/2020	\$243,136.00	RFx (ITB)
FreightWise LLC		LTL Trucking Services	11/1/2019	10/31/2022	\$150,000.00	RFx (ITB)
Digital Business Machines		Digital Duplicator	6/1/2016	5/31/2021	\$21,829.66	RFx (ITB)
Juzer Qasim		Ink Supplies - DGS	1/21/2020	1/20/2023	\$14,878.00	Competitive Negotiation
CoStar Realty Information Inc		CoStar Subscription	9/20/2019	9/19/2022	\$124,335.00	Other
East Nooga LLC		Monthly lease escl ea yr.	5/1/2014	4/30/2029	\$23,483,967.76	

Vendor Selection Method Legend

RFx (ITB) - Request For Invitation to Bid - a procurement method where a contract is awarded to one or more bidders.

RFP - Request for Proposal - a written solicitation for written proposals to provide goods or services to the State.

RFQ - Request for Qualifications - a written solicitation containing a list of qualifications that must be met before a vendor may propose in response to a Request for Proposals.

Cooperative Agreement - a written contract procured for the benefit of two or more governmental entities to make purchases of goods or services.

APPENDIX J
DONEE APPLICATION AND ASSURANCE FORMS



Department of General Services
Warehousing & Distribution (PUD)
APPLICANT INFORMATION

I. LEGAL NAME AND MAILING ADDRESS OF APPLICANT ORGANIZATION

Name of Organization

Mailing Address (P.O. Box #, Street, City, State, Zip Code)Name of Organization

Street Address/Location (if different from mailing address)

Telephone # _____ *Fax #* _____ *County* _____

Email Address

II. APPLICANT STATUS (CHECK ONE):

(If designated a Service Educational Activity (SEA) by the Department of Defense, sign Part III and Authorized Representatives, Page 2.)

Public Agency
 State County City Public Education Other (Specify) _____

Non-profit, Tax Exempt Organization

- A. Must attach narrative description of program or service offered, including a description of facilities operated
- B. Must attach copy of IRS determination letter of tax-exemption under Section 501 of Internal Revenue Code of 1954
- C. Must attach proof that organization is accredited, licensed or approved.
- D. Must provide sources of funding (tax supported, grant, etc.) and attach supporting documentation.

Education
 College/University Secondary School Elementary School
 School for Handicapped School for Retarded Training Center Preschool
 Radio/TV Station Other (Specify) _____

Health
 Hospital Clinic Nursing Home Health Center
 Other (Specify) _____

- Provider of Assistance to the Homeless
- Provider of Assistance to the Impoverished
- Program for Older Individuals
- Library
- Museum
- Volunteer Fire/Police Department
- Rescue Squad/Emergency Management Agency/Civil Defense (other than public agency)

III. RACIAL AND NATIONAL ORIGIN DATA FOR SERVICE AREA (COMPLETE ALL APPLICABLE):

(Information may be obtained from the following website if not known: <http://quickfacts.census.gov/qfd/states/47/47307.html>).

White	_____ %	Black	_____ %	Asian	_____ %
Hispanic	_____ %	American Indian/Alaskan Native	_____ %	Other	_____ %

IV.

Date _____ *Print Name/Title of Organization Official* _____ *Signature of Organization Official* _____

FOR STATE AGENCY USER ONLY

This applicant has been determined:
as: eligible non-eligible
 public agency non-profit education
 other (Specify) _____ conditionally eligible
 non-profit health

Donee ID # _____ *Institution Code* _____ *3040 Code* _____ *Eligibility Code* _____

Signature of State Agency Director/Assistant Director _____ *Date* _____



Department of General Services
Warehousing & Distribution (PUD)

NEW DESIGNATION(S)
(Delete all previous designations)

• 188 •

ADDITIONAL DESIGNATION(S) ONLY
(Add to previous authorization)

The following representatives are designated to:

- A. Represent organization as its authorized agent;**
 - B. Acquire State and Federal surplus property on behalf of the organization;**
 - C. Obligate necessary organization funds for this purpose**
 - D. Execute distribution documents binding the organization to the terms, conditions, reservations, and restrictions applying to property obtained through the agency.**
 - E. Further delegate this authority to any employee of the organization for the purpose of acquiring surplus property for the use by the organization, (Further delegation must be in the form of a current original, signed letter.)**

NAME

TITLE

SIGNATURE

DRIVER
LICENSE NUMBER

Are purchase orders used by your organization? Yes No If yes, with what restrictions?

I hereby certify that I understand that all authority to acquire property by those listed above ceases at the expiration of my term listed below and must be renewed by the incoming official.

SIGNATURE OF ORGANIZATION OFFICIAL: _____ **DATE:** _____

TERM OF OFFICE EXPIRES:

TERM OF OFFICE EXPIRES: _____



Department of General Services
Warehousing & Distribution (PUD)
NONDISCRIMINATION ASSURANCE

Assurance to be executed by organization official prior to receiving surplus personal property from the Property Utilization Division.

Assurance of compliance with GSA Regulations under 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.

The _____ (the donee)
(Name of Organization)

Agrees that the program for or in connection with which any property is transferred 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 CFR 101-6.2 and 101-8) issued under 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; Section 303 of the Age Discrimination Act of 1975, as amended; Title IX of the Education amendments of 1972, as amended; and Civil Rights Restoration Act of 1987, to the end that,

No person on the basis of race, color, national origin, sex, age, or handicap if otherwise qualified shall be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity for which the donee receives assistance from the General Services Administration, and hereby gives assurance to that it will immediately take any measure necessary to effectuate this agreement.

Agrees that it is the sole responsibility of the donee to ensure all donee employees receive annual Title VI training and that said training is documented, maintained, and made available upon request by the General Services Administration or State of Tennessee.

Further, the donee agrees that this agreement obligates the donee for the period during which it retains ownership or possession of property; that the United States shall have the right to seek judicial enforcement of this agreement; and that this agreement is binding upon the donee and its successors, transferees, and assignees.

Signature of Organization Official

Date

GS-0994(Rev 10/11)



Department of General Services

Warehousing & Distribution (PUD)

CERTIFICATION REGARDING DEBARMENT, SUSPENSION, INELIGIBILITY AND VOLUNTARY EXCLUSION—LOWER TIER TRANSACTIONS

This certification is required by the General Services Administration regulations implementing Executive Order 12549-41 CFR 105-68 for all lower tier transactions meeting the requirements stated at 41 CFR 105-68.110.

1. By signing and submitting this proposal, the prospective lower tier participant is providing the certification set out below.
2. The certification in this clause is a material representation of fact upon which reliance was placed when this transaction was entered into. If it is later determined that the prospective lower tier participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.
3. The prospective lower tier participant shall provide immediate written notice to the person to whom this proposal is submitted if at any time the prospective lower tier participant learns that its certification was erroneous when submitted or had become erroneous by reason of changed circumstances.
4. The terms “covered transaction,” “debarred,” “suspended,” “ineligible,” “lower tier covered transaction,” “participant,” “person,” “primary covered transaction,” “principal,” “proposal,” and “voluntarily excluded,” as used in this clause, have the meanings set out in the Definitions and Coverage sections of rules implementing Executive Order 12549. You may contact the person to whom this proposal is submitted for assistance in obtaining a copy of those regulations.
5. The prospective lower tier participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is proposed for debarment under 48 CFR part 9, subpart 9.4, debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency with which this transaction originated.
6. The prospective lower tier participant further agrees by submitting this proposal that it will include this clause titled “Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion—Lower Tier Covered Transaction,” without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions.
7. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not proposed for debarment under 48 CFR part 9, subpart 9.4, debarred, suspended, ineligible, or voluntarily excluded from covered transactions, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. Each participant may, but is not required to, check the List of Parties Excluded from Federal Procurement and Nonprocurement Programs.
8. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.
9. Except for transactions authorized under paragraph 5 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is proposed for debarment under 48 CFR part 9, subpart 9.4, suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.

Certification

- (1) The prospective lower tier participant certifies, by submission of this proposal, that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency.
- (2) Where the prospective lower tier participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

NAME OF DONEE APPLICANT:

NAME AND TITLE OF AUTHORIZED REPRESENTATIVE:

SIGNATURE

DATE:

APPENDIX K

PROPOSAL STATEMENT OF CERTIFICATIONS AND ASSURANCES

RFP ATTACHMENT 6.1.

PROPOSAL STATEMENT OF CERTIFICATIONS AND ASSURANCES

The Proposer must sign and complete the Proposal Statement of Certifications and Assurances below as required, and it must be included in the Technical Proposal (as required by RFP Attachment 6.2., Technical Proposal & Evaluation Guide, Section A, Item A.1.).

The Proposer does, hereby, expressly affirm, declare, confirm, certify, and assure ALL of the following:

1. The Proposer will comply with all of the provisions and requirements of the RFP.
2. The Proposer will provide all services as defined in the Scope of Services of the RFP Attachment 6.6., Design-Build Agreement for the total agreement period.
3. The Proposer accepts and agrees to all terms and conditions set out in the RFP Attachment 6.6., Design-Build Agreement.
4. The Proposer acknowledges and agrees that an agreement resulting from the RFP shall incorporate, by reference, all proposal responses as a part of the agreement.
5. The Proposer will comply with:
 - (a) the laws of the State of Tennessee;
 - (b) Title VI of the federal Civil Rights Act of 1964;
 - (c) Title IX of the federal Education Amendments Act of 1972;
 - (d) the Equal Employment Opportunity Act and the regulations issued there under by the federal government; and,
 - (e) the Americans with Disabilities Act of 1990 and the regulations issued there under by the federal government.
6. To the knowledge of the undersigned, the information detailed within the proposal submitted in response to the RFP is accurate.
7. The proposal submitted in response to the RFP was independently prepared, without collusion, under penalty of perjury.
8. No amount shall be paid directly or indirectly to an employee or official of the State of Tennessee as wages, compensation, or gifts in exchange for acting as an officer, agent, employee, subcontractor, or consultant to the Proposer in connection with the RFP or any resulting agreement.
9. Both the Technical Proposal and the Cost Proposal submitted in response to the RFP shall remain valid for at least 120 days subsequent to the date of the Cost Proposal opening and thereafter in accordance with any agreement pursuant to the RFP.

By signing this Proposal Statement of Certifications and Assurances, below, the signatory also certifies legal authority to bind the proposing entity to the provisions of this RFP and any agreement awarded pursuant to it. If the signatory is not the Proposer (if an individual) or the Proposer's company *President* or *Chief Executive Officer*, this document must attach evidence showing the individual's authority to bind the proposing entity.

DO NOT SIGN THIS DOCUMENT IF YOU ARE NOT LEGALLY AUTHORIZED TO BIND THE PROPOSING ENTITY

SIGNATURE:

PRINTED NAME & TITLE:

DATE:

PROPOSER LEGAL ENTITY NAME:

PROPOSER FEDERAL EMPLOYER IDENTIFICATION NUMBER (or SSN):

APPENDIX L
ACTIVE LIST OF FEDERAL
PROPERTY DONEES

**Tennessee Department of
General Services Surplus
Division
Active List of Federal
Property
Donees As of June 30, 2021**

N	Donee
1	CITY OF HOHENWALD
2	CITY OF LIVINGSTON
3	CITY OF TOONE
4	CLAY COUNTY
5	DICKSON COUNTY BOARD OF EDUCATION
6	MIDDLE TENNESSEE STATE UNIVERSITY
7	WHITE COUNTY
8	HUMPHREYS COUNTY SHERIFF DEPARTMENT
9	HUMPHREYS COUNTY SOIL CONSERVATION
10	ROBERTSON COUNTY SHERIFF DEPARTMENT
11	SAFE ENTRY HOUSING INC
12	SOUTHEND VOLUNTEER FIRE DEPARTMENT
13	MADISON COUNTY SHERIFF DEPARTMENT
14	COFFEE COUNTY RESCUE SQUAD
15	TENNESSEE VALLEY RAILROAD MUSEUM
16	PORTLAND CITY HALL
17	MILCROFTON UTILITY DISTRICT
18	F H JENKINS ELEMENTARY SCHOOL
19	MCMINN COUNTY GOVERNMENT
20	GRAINGER COUNTY RESCUE SQUAD
21	MORGAN COUNTY GOVERNMENT
22	GOVDEALS INC
23	WHITE COUNTY GOVERNMENT
24	FRIENDS OF THE THIRD REGIMENT

The above listing reflects only the active donees that have received Federal Surplus Property for the FY 2020-2021, which totals 24. The majority of Federal Property received has a twelve to eighteen-month restriction period. After the restriction period is over, all Federal requirements placed upon the donees, as detailed in **Appendix B**, cease to be enforceable. This includes compliance with the provisions of Title VI.

Vehicles & Asset Management
Title VI Review Check List

Contractor/Donee:

Address:

Contractor/Donee's Title VI Contact:

Reviewer:

Date:

Attach a separate sheet detailing the organization's Title VI Implementation and Compliance procedures and plan.

1. Are Title VI Posters prominently displayed within the facility? YES NO

If yes, where are the posters displayed? ***Please attach pictures of posters being displayed***

If no, please explain:

2. Does the organization have existing written policies regarding the acceptance of all persons **seeking** services and the provisions of services to such persons without regards to race, color age, sex, religion, disability, and national origin? YES NO

****Attach Copy of Written Policy****

3. Outline the organization's Title VI complaint procedure or attach a copy of the procedures:

4. Are records kept of Title VI complaints? YES NO

If yes, where are the Records kept?

If no, please explain.

Number of complaints received during the last fiscal year:

5. State name(s) and title(s) of person(s) who reviews/receives and make reports of all complaints:

Name	Title

6. Has your organization developed and implemented policies and procedures for monitoring and enforcement of Title VI compliance? YES NO

7. Is information on Title VI and other laws requiring equal services to all on the basis of non-discrimination disseminated to the general public, including minority groups?

YES NO N/A

If yes, state by whom and method used:

If no, please explain.

8. Board of Directors, Advisory Board, or Owner of Company:

Total number of members:

(enter the number for each below)

White:	Minority:
Asian:	African American:
Hispanic:	N/A: <input type="checkbox"/>

(enter the number for each below)

Male:	Female:
-------	---------

9. Has your organization conducted training or have a policy for Limited English Proficiency (LEP) compliance? Is there an LEP Poster displayed in a place that is clearly visible to the public? YES NO

Attach Copy of Limited English Proficiency (LEP) Policy and picture of LEP poster

Reviewer's Signature

Date

Contractor/Donee's Title VI Contact Signature

Date

APPENDIX N
EXAMPLE FOLLOW-UP LETTER

[DATE]

Addressee Name
Company Name
First Address Line
City, State Zip code

Dear Name,

The Click here to enter text. previously received federal property through the Department of General Services Division of Vehicle and Asset Management. As part of the agreement for receiving such property, entities are subject to the program requirements of Title VI of the Civil Rights Act of 1964.

During my offsite review conducted on Click here to enter a date., no discrepancies were noted. Therefore, the Click here to enter text. is compliant with the provisions of Title VI of the Civil Rights Act of 1964.

If you have any questions, please contact me at 615-253-4752.

Sincerely,

Monique Taylor

Title VI Representative

cc: Debi Moss, Director, Office of Internal Audit
 Abdul Fathi, Title VI Coordinator, Office of Internal Audit

APPENDIX O
ADVISORY COUNCIL ON STATE PROCUREMENT

CENTRAL PROCUREMENT OFFICE
ADVISORY COUNCIL ON STATE PROCUREMENT APPOINTEES
MICHAEL F. PERRY, CPO, CHAIRMAN

NAME	FROM	GENDER	RACE	COUNTY OF RESIDENCE	APPOINTED BY
5 Voting Members:					
Mike Perry	Central Procurement	Male	Caucasian	Davidson	T.C.A. § 4-56-106(a)(2)
Summer Carr	Economic & Community Development	Female	Caucasian	Williamson	DGS-Commissioner Oglesby
Ted Hayden	General Services	Male	Caucasian	Sumner	DGS-Commissioner Oglesby
Buddy Lea	Finance &Administration	Male	Caucasian	Williamson	F&A-Commissioner Martin
Jennifer Pfeiffer	Comptroller's Office	Female	Caucasian	Davidson	Comptroller Mumpower
7 Non-Voting Members:					
Brad Eskin Nashville, TN (Deloitte)	Vendor Community	Male	Caucasian	Davidson	Governor Haslam
Jasmine Quattlebaum	NIGP Representative	Female	African American	Davidson	Governor Lee
Sean M. Newman Brentwood, TN (CDE Lightband)	NIGP (serving remainder of Terry Anderson's term)	Male	Caucasian	Williamson	Speaker of Senate, Lt. Governor Randy McNally
Stewart Shunk Brentwood, TN (TRANE)	Vendor Community	Male	Caucasian	Williamson	Speaker of Senate, Lt. Governor Ron Ramsey
Jay Malpass	Vendor Community	Male	Caucasian	Davidson	Speaker of the House,
Brian W. Wilcox	NIGP	Male	Caucasian		Speaker of the House,
Bob Vincent	Fiscal Review Com. Chairman Rep. Ron Travis	Male	Caucasian	Roane	Fiscal Review Com. Chairman, Rep. Ron Travis

Percentage Representation on CPO Advisory Council on State Procurement

Gender	Number	Percentage
Female	3	25%
Male	9	75%
Total	12	100%
Race	Number	Percentage
White	11	92%
African American	1	8%
Total	12	100%

TITLE VI of the CIVIL RIGHTS ACT of 1964

The Tennessee Department of General Services ensures compliance with Title VI of the Civil Rights Act of 1964 which states: No person in the United States shall, on grounds of race, color or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance.

The Department of General Services receives federal surplus property through its Property Utilization Division (PUD). PUD provides redistribution of state and federal surplus property to state agencies, local governments, eligible non-profit health and educational organizations, and service educational activities.

What does this mean to you?

It means that you should not be excluded from participation in any programs under the Department of General Services because of race, color, or national origin.

Any person who believes he or she has been discriminated against should contact:

Tennessee Department of General Services
Title VI Coordinator
312 Rosa L. Parks Avenue, 24th Floor
Nashville, Tennessee 37243-1102
Or call (615) 741-1363 or Fax (615) 532-6257

El Tennessee Departamento de Servicios Generales asegura el conformidad con el Título VI del Acto de Derechos Civiles de 1964 que dice: Ninguna persona en los Estados Unidos, por causa de raza, color u nacionalidad, ser excluida de participar, ser negado los beneficios, o ser sujeto a discriminación bajo cualquier programa o actividad que reciba asistencia financiera federal.

El Departamento de Servicios Generales recibe bienes sobrantes federales a través de su Utilización División de Propiedad (PUD). PUD redistribuye los bienes sobrantes estatales y federales a las agencias estatales, gobiernos locales, salud elegibles no lucrativo y organizaciones educativas, y actividades de servicios educativas.

¿Qué significa esto para usted?

Significa que usted no debía ser excluido de la participación en cualquier programa bajo el Departamento de Servicios Generales por causa de raza, color u nacionalidad.

Cualquier persona que crea que ha sido discriminada puede contactar:

Tennessee Department of General Services
Title VI Coordinator
312 Rosa L. Parks Avenue, 24th Floor
Nashville, Tennessee 37243-1102
Or call (615) 741-1363 Fax (615) 532-6257





LANGUAGE IDENTIFICATION GUIDE

Do you speak English?

Point here and an interpreter will be assigned to you, at no cost.

English

¿Habla Español?

Señale aquí y se le asignará un intérprete sin costo.

Spanish

هل تتكلّم العربية؟

أشعر هنا والمترجم سيكون موجوداً مجاناً.

Arabic

ته کوردى ده ئاخى ؟

ئىشارەت قىرى بىكە تەرجومان بۇ تەحازىر دىكەين ، بە خوراي.

Kurdish
(Behdini)

ئاپا کوردى قىسى دەكەيت ؟

ئىشىيارەت لىرە بىكە موتەرجىمەت بۇ ئامادە دەكەين ، بە خۆبایى.

Kurdish
(Sorani)

آيا شما فارسى صحبت ميکنيد؟

تروصىبم جىترە كىي، دىنك دراشا لاجنیا بىرگا رايگان در اختيار شما قرار مىگىيرد.

Farsi

Bạn nói tiếng Việt phải không?

Chỉ vào đây và sẽ có người thông dịch viên giúp đỡ Bạn,
Bạn không phải trả gì hết.

Vietnamese

Maku hadashaa afka somaaliga?

Halqaan farta ku-fiiq turjubaan lacag la-an ayaad heleysaa.

Somali

Da li govorite Bosanski?

Pokažite ovdje i prevodilac će vam biti obezbijedzen, besplatno.

Bosnian

Parlez-vous français?

Ici, un interprète sera assigné pour vous, sans avoir payé.

French

ທ່ານເວົ້າພາສາລາວແມ່ນບໍ່?

ກະທຸນາບອກຈັດໜ້າທີ່ຕາມນີ້ຈະມີນາຍພາສາມາແປໄຫ້ທ່ານໄດ້ຢູ່ໄດ້ແສງເງິນ.

Laotian

你會講中文嗎？

請點在這裡我們為你免費提供翻譯服務。

Chinese
(Mandarin)

日本語を話せますか？

ここを指して下さい。 無料の通訳者を指定します。

Japanese

Je-una azungumza kiswahili?

Nyosha kidola hapa na utatafsiriwa bila kulipa chochote.

Kiswahili

Voce fala Português?

Aperte aqui e um intérprete lhe será fornecido sem custo algum.

Portuguese

कथा आप हिंदी बोल सकते हैं ?

इशारा यहाँ पर किजिये, भाषाँतर करनेवाले विनामुल्य मिल जायेंगे।

Hindi

한국어를 하십니까?

이곳을 지적해주시면 통역자가 무료로 호출됩니다.

Korean

Вы говорите по-русски?

Укажите сюда, и совершенно бесплатно Вам будет предоставлен переводчик.

Russian

አማርኛ ይደረግ-ለ՞ን?

በዚህ ወደፊት የመልከቱ የለምናም ከፍተኛ አገተርን ሙሉ የመዲስጌል!

Amharic

Eske ou pale kreyòl

Pwen isit la e yon entèprèt ap vin ede'w gratis.

Haitian Creole

Jin kueni Thuok nuera?

Wane eme deri thuok nuera jek ke kuic du a thil kok.

Nuer

તમે ગુજરાતી બોલી શકો છો?

અહિંધા ઈશારો કરો, ભાષાંતર કરનાર વિનામુલ્યે મળી જશે.

Gujarati

Turkish biliyormusunuz?
ຄວາມພຽງភານ່າທາຍ່ຽວເປົ່າ?Burayı gösterirseniz, ücretsiz tercuman size yardım edecekтир.
ກ្មោះបាបកិច្ចការទំនាក់ទំនងដែលត្រូវបានគ្រប់គ្រង

Turkish

Thai

Afaan Oromoo nidubata

Harkake asiti baasi gargasa Afaan hikaa malaqa duwa argaata.

Oromo