§ 102–38.110  the national economy, provided that  
the estimated fair market value of the  
property and other satisfactory terms  
of disposal can be obtained by negotia-

tion, e.g., sale of large quantities of an  
aricultural product that impact do-

mestic markets; or  
(h) Otherwise authorized by Title 40  
of the U.S. Code or other law.  

§ 102–38.110  Who approves our deter-

minations to conduct negotiated  
sales?  
The head of your agency (or his/her  
designee) must approve all negotiated  
sales of personal property.  

§ 102–38.115  What are the specific re-

porting requirements for negotiated  
sales?  
For negotiated sales of personal prop-

erty, you must—  
(a) In accordance with 40 U.S.C.  
545(e), and in advance of the sale, sub-
mit to the oversight committees for  
the General Services Administration  
(GSA) in the Senate and House, expla-

natory statements for each sale by nego-
tiation of any personal property with  
an estimated fair market value in ex-
cess of $15,000. You must maintain cop-
ies of the explanatory statements in  
your disposal files. No statement is  
needed for negotiated sales at fixed  
price or for any sale made without ad-
vertising when authorized by law other  
than 40 U.S.C. 545; and  
(b) Report annually to GSA, Personal  
Property Management Policy Division  
(MTP), 1800 F Street, NW., Washing-
ton, DC, 20405, within 60 calendar days after  
the close of each fiscal year, a listing  
and description of all negotiated sales  
of personal property with an estimated  
fair market value in excess of $5,000.  
You may submit the report electroni-

cally or manually (see §102–38.330).  

§ 102–38.120  When may we conduct ne-

gotiated sales of personal property  
at fixed prices (fixed price sale)?  
You may conduct negotiated sales of  
personal property at fixed prices (fixed  
price sale) under this section when:  
(a) The items are authorized to be  
sold at fixed price by the Adminis-

trator of General Services, as reflected  
in GSA Bulletin FMR B–10 (located at  
http://www.gsa.gov/fmrbulletin), You may  
also contact the GSA Office of Travel,  
Transportation, and Asset Manage-

ment (MT) at the address listed in  
§102–38.115 to determine which items  
are on this list of authorized items;  
(b) The head of your agency, or des-

ignee, determines in writing that such  
sales serve the best interest of the Gov-

ernment. When you are selling prop-

erty on behalf of a holding agency, you  
must consult with the holding agency  
in determining whether a fixed price  
sale meets this criterion; and  
(c) You must publicize such sales to  
the extent consistent with the value  
and nature of the property involved,  
and the prices established must reflect  
the estimated fair market value of the  
property. Property is sold on a first-
come, first-served basis. You or the  
holding agency may also establish ad-

ditional terms and conditions that  
must be met by the successful pur-

chaser in accordance with §102–38.75.  
[73 FR 20803, Apr. 17, 2008]  

§ 102–38.125  May we sell personal  
property at fixed prices to State  
agencies?  
Yes, before offering to the public, you  
may offer the property at fixed prices  
(through the State Agencies for Sur-

plus Property) to any States, terri-

tories, possessions, political subdivi-
sions thereof, or tax-supported agen-
cies therein, which have expressed an  
interest in obtaining the property. For  
additional information, see subpart G  
of this part.  

ADVERTISING  
§ 102–38.130  Must we publicly adver-

tise sales of Federal personal prop-

erty?  
Yes, you must provide public notice  
of your sale of personal property to  
permit full and open competition.  

§ 102–38.135  What constitutes a public  
advertisement?  
Announcement of the sale using any  
media that reaches the public and is  
appropriate to the type and value of  
personal property to be sold is consid-
ered public advertising. You may also  
distribute mailings or flyers of your  
offer to sell to prospective purchasers  
on mailing lists. Public notice should  
be made far enough in advance of the