GENERAL SERVICES ADMINISTRATION
Washington, DC 20405

ADM 4800.2H
June XX, 2013

GSA ORDER

SUBJECT: Eligibility to Use GSA Sources of Supply and Services

1. **Purpose**. This Order provides definitions and listings of agencies and organizations authorized to use U.S. General Services Administration (GSA) sources of supply and services. It also provides definitive guidelines concerning eligibility requirements.

2. **Cancellation**. ADM 4800.2G is canceled.

3. **Background**. 40 U.S.C. §§ 501 - 502 authorizes the Administrator of General Services (Administrator) to procure and supply personal property and non-personal services for executive agencies and other Federal agencies, mixed ownership Government corporations as identified in 31 U.S.C. § 9101, the District of Columbia, qualified nonprofit agencies for the blind or other severely handicapped individuals for use in making or providing an approved commodity or service to the Government, and state and local governments for certain Federal Supply Schedule purchases, including use for disaster purchasing. Other organizations are eligible pursuant to other statutes under which GSA operates (such as 40 U.S.C § 602, which governs eligibility to obtain GSA Fleet motor vehicles and related services) or by reason of enabling statutory authority.

4. **Nature of revision**. To reflect statutory and administrative changes and to partially update the listings of organizations determined eligible to use GSA sources of supply and services.

5. **Definition**. GSA sources of supply and services are defined as those support programs administered by GSA and prescribed in the Federal Property Management Regulations (FPMR), 41 CFR Parts 101-26--Procurement Sources and Program, 101-39--Interagency Fleet Management Systems (GSA Fleet), 101-42—Utilization and Disposal of Hazardous Materials and Certain Categories of Property; the Federal Management Regulation (FMR) 41 CFR Parts 102-117--Transportation Management, Parts 102-35 through 102-42 --Utilization and Disposal Programs, and the Federal Travel Regulation, 41 CFR Part 301-73--Travel Programs.

6. **Authority to use GSA sources of supply and services**. The authority to use GSA sources of supply and services is established by statute or regulation (see paragraph 7).

7. **Eligible activities**. Organizations are eligible to use GSA sources of supply and services pursuant to 40 U.S.C. §§ 501 - 502 or other statutory authority; however, some organizations may be eligible to use only specific GSA sources of supply or services. In addition, although an organization may be eligible to use GSA sources of supply, particular sources may not be accessible due to limits of supply sources or geographical constraints. For example, in the case of GSA Fleet, it may not be practical for GSA to make certain sources of supply available. In addition, the terms of a specific contract may not permit participation by otherwise eligible organizations.

a. **Executive agencies**. 40 U.S.C. § 501, Services for executive agencies, authorizes the Administrator to procure and supply personal property and non-personal services for executive agencies to use in the proper discharge of their responsibilities, and perform functions related to procurement and supply including contracting, inspection, storage, issue, property identification and classification, transportation and traffic management, management of public utility services, and repairing and converting. Executive agencies include:

(1) **Executive departments**. Cabinet departments are defined in 5 U.S.C. § 101 and are listed in Appendix A.

(2) **Wholly owned Government corporations**. Corporations wholly owned by the Government are defined in 31 U.S.C. § 9101(3) and are listed in Appendix A.

(3) **Independent establishments in the executive branch of the Government**. Independent establishments in the Executive branch are generally defined by 5 U.S.C. § 104. However, it is often necessary to consult specific statutes, legislative histories, and other references to determine whether a particular establishment is within the executive branch. To the extent that GSA has made such determinations, the organizations qualifying under this authority are included in Appendix A.

b. **Other Federal agencies, mixed-ownership Government corporations, the District of Columbia, qualified nonprofit agencies for the blind or other severely handicapped individuals for use in making or providing an approved commodity or service to the Government, and state and local governments for certain Federal Supply Schedule purchases.** 40 U.S.C. § 502, Services for other entities, authorizes the Administrator to provide access to GSA sources of supply (or limited authorizations in some cases) to these organizations upon request. 40 U.S.C § 602 authorizes the Administrator to furnish GSA Fleet motor vehicles and related services to Federal agencies, mixed-ownership Government corporations, or the District of Columbia.

(1) **Other Federal agencies**. These are Federal agencies defined in 40 U.S.C. § 102(5) that are not in the executive branch of the Government, i.e., any establishment in the legislative or judicial branch of the Government. However, the Senate, the House of Representatives, and the Architect of the Capitol and any activities under this direction are not Federal Agencies for purposes of this definition (but see paragraph 7.c. below.) To the extent that GSA has made such determinations, the organizations qualifying under this authority are listed in Appendix B.

(2) **Mixed-ownership Government corporations**. These are identified in 31 U.S.C, § 9101(2) and are listed in Appendix B.

(3) **District of Columbia**. The Government of the District of Columbia is eligible to use GSA sources of supply and services pursuant to 40 U.S.C. § 502(a)(3) and 40 U.S.C. § 602(c), the latter pertaining to GSA Fleet motor vehicles and related services. The Government of the District of Columbia and those parts thereof that have been determined eligible to use GSA sources of supply and services are listed in Appendix B.

c. **The Senate, the House of Representatives, and activities under the direction of the Architect of the Capitol**. These organizations are eligible to use GSA sources of supply and services under 40 U.S.C. § 113(d) upon request. To the extent that GSA has made such determinations, the organizations qualifying under this authority are listed in Appendix B.

d. **Other organizations authorized under the authority of 40 U.S.C. §§ 501 - 502**. GSA has determined that certain organizations, other than those described above, are eligible to use its sources of supply and services under the authority provided to the Administrator by 40 U.S.C. §§ 501 - 502.

(1) **Cost-reimbursement contractors (and subcontractors) as properly authorized.** Under 40 U.S.C. § 501, the Administrator determined that in order to promote greater economy and efficiency in Government procurement programs, contractors performing cost-reimbursement type contracts or other types of negotiated contracts, when the agency determines that a substantial dollar portion is of a cost-reimbursement nature, may be authorized to use GSA sources of supply. This authorization is reflected in Part 51 of the Federal Acquisition Regulation (FAR), which provides that agencies may authorize certain contractors (generally cost-reimbursement contractors) to use GSA sources of supply. In each case, the written authorization must conform to the requirements of FAR Part 51, Use of Government Sources by Contractors. Contractors are **not** eligible to obtain GSA city-pair contract airfares.

(2) **Cost-reimbursement or fixed price contractors' use of GSA Fleet motor vehicles and related services**. Subpart 51.2 of the FAR states that, if it is in the Government's interest, a contracting officer may authorize a cost reimbursement contractor to obtain, for official purposes only, GSA Fleet motor vehicles and related services. The FAR also states that Government contractors shall not be authorized to use GSA Fleet motor vehicles and related services for use in performance of any contract other than a cost-reimbursement contract, except as otherwise specifically approved by the Administrator. Accordingly, any request for use of GSA Fleet vehicles and related services by other than a cost-reimbursement contractor must be requested by the agency contracting officer and approved by GSA.

(3) **Fixed-price contractors (and subcontractors) purchasing security equipment**. Under 40 U.S.C. § 501, the Administrator has determined that fixed-price contractors and lower-tier subcontractors who are required to maintain custody of security classified records and information may purchase security equipment from GSA. Procedures for such acquisitions are set forth in 41 CFR 101-26.507.

(4) **Non-Federal firefighting organizations cooperating with the U.S. Department of Agriculture, Forest Service**. Pursuant to 40 U.S.C. § 501 and 16 U.S.C. § 580a, it has been determined that certain non-Federal firefighting organizations may purchase wildfire suppression equipment and supplies from the Federal Acquisition Service (FAS). This determination is reflected in an interagency agreement between GSA and the USDA, Forest Service. (FAS No. FM-IA-06-002, December 27, 2006).

(5) **Tribes and Tribal Organizations**.

(a) **The Indian Self-Determination and Education Assistance Act (ISDEAA)**. As provided in section 102(13) of Pub. L. 103-413 (the Indian Self Determination Act Amendments of 1994), a tribal organization, when carrying out a contract, grant or cooperative agreement under ISDEAA, is deemed an executive agency for purposes of 40 U.S.C. § 501. (See 25 U.S.C. § 450j(k)). Additionally, if the self-determination contract contains a provision authorizing interagency motor pool vehicles and related services, as provided in Section 103 of the Indian Self-Determination Act Amendments of 1994, the tribe or tribal organization is eligible to use GSA Fleet motor vehicles and related services, if available (See 25 U.S.C. § 450l.) Authorization to use GSA sources of supply under the authority cited in this paragraph does not include purchases for resale unless the contract, grant, cooperative agreement, or funding agreement authorizes such activity. Information on the authority for resale must be provided to GSA, and based on that information, GSA must concur.

(b) **The Native American Housing Assistance and Self-Determination Act (NAHASDA)**. As provided in section 101 of Pub. L. 110-411 (the Native American Housing Assistance and Self-Determination Reauthorization Act of 2008), for purposes of 40 U.S.C. § 501, each Indian tribe or tribally designated housing entity shall be considered to be an executive agency in carrying out a program, service, or other activity under a block grant pursuant to NAHASDA; and each tribe or tribally designated housing entity shall have access to sources of supply on the same basis as employees of an executive agency. (See 25 U.S.C. § 4111(j)). Authorization to use GSA sources of supply under the authority cited in this paragraph does not include purchases for resale unless the contract, grant, cooperative agreement, or funding agreement authorizes such activity. Information on the authority for resale must be provided to GSA, and based on that information, GSA must concur.

(6) **Use of certain Federal Supply Schedules by state and local governments**. State and local governments have increased access to GSA sources of supply, as detailed below. State or local government, defined at 40 U.S.C.§ 502(c)(3), includes any state, local, regional, or tribal government, or any instrumentality thereof (including any local educational agency or institution of higher education). In any case of the use by a state or local government of a Federal Supply Schedule, participation by a firm that sells to the Federal Government through its Federal Supply Schedule contract shall be voluntary with respect to a sale to the state or local government under that contract.

(a) **Cooperative Purchasing**. Pursuant to 40 U.S.C. § 502(c), the Administrator may provide for the use by state or local governments of Schedule 70 and Schedule 84 for supplies and services available under those Federal supply schedules.

(b) **Disaster Purchasing Program**. As provided in 40 U.S.C. § 502(d), the Administrator may provide for the use of Federal Supply Schedules by state and local governments for the purchase of products and services to be used to facilitate recovery from major disasters declared by the President under the Robert T. Stafford Disaster Relief and Emergency Assistance Act and to facilitate disaster preparedness or response, or to facilitate recovery from terrorism, or nuclear, biological, chemical, or radiological attack.

(c) **1122 Program**. 10 U.S.C. § 381 allows for the purchase of equipment suitable for counter-drug, homeland security, and emergency response activities through the U.S. Department of Defense. GSA maintains the catalog of available products under this program.

(d) **Public Health Emergencies**. State, local, territorial, and tribal governments may access Federal Supply Schedules as authorized users for goods and services when expending Federal grant funds in response to Public Health Emergencies (PHE) declared by the Secretary of Health and Human Services under section 319 of the Public Health Services Act, codified at 42 U.S.C. § 247d.

(7) **The American National Red Cross**. As provided for in section 2 of Pub. L. 111-263, the Federal Supply Schedules Usage Act of 2010, 40 U.S.C. 502(e), the American National Red Cross in furtherance of its purposes set forth in 36 U.S.C. § 300102 is authorized to access Federal supply schedules. Authorization to use Federal Supply Schedules under the authority cited in this paragraph does not include purchases for resale.

(8) **Other Qualified Organizations**. Under the Federal Supply Schedules Usage Act of 2010, 40 U.S.C. 502(e), the Administrator may provide for the use by other qualified organizations, to include National Voluntary Organizations Active in Disaster (NOVAD), of Federal Supply Schedules. Purchases under this authority by such qualified organizations shall be used in furtherance of purposes determined to be appropriate to facilitate emergency preparedness and disaster relief as set forth in guidance by the Administrator of General Services, in consultation with the Administrator of the Federal Emergency Management Agency. Authorization to use Federal Supply Schedules under the authority cited in this paragraph does not include purchases for resale. The term "qualified organization" means a relief or disaster assistance organization as described in section 309 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5152).

e. **Other statutes**. Other statutes authorize specific organizations to use GSA sources of supply and services. The organizations that have had eligibility reviews conducted and that have been determined eligible to use GSA sources of supply are listed in Appendix B or Appendix C, as appropriate. The major categories of such organizations include:

(1) **Certain institutions**. The following activities are eligible to use GSA sources of supply and services and are listed in Appendix B:

(a) Howard University (20 U.S.C. § 130)
(b) Gallaudet University (20 U.S.C. § 4362)
(c) National Technical Institute for the Deaf, (20 U.S.C. § 4362) and
(d) American Printing House for the Blind (20 U.S.C. § 106).

(2) **Governments authorized under 48 U.S.C. § 1469e**. As provided in 48 U.S.C. 1469e, the Governments of American Samoa, Guam, the Commonwealth of the Northern Mariana Islands and the U.S. Virgin Islands are eligible to use GSA sources of supply and services. These governments are listed in Appendix B.

(3) **Entities authorized under the Foreign Assistance Act (FAA)**. Section 607 of the Foreign Assistance Act of 1961, as amended, 22 U.S.C. § 2357, provides that the President may authorize friendly countries, international organizations, the American Red Cross, and voluntary nonprofit relief agencies to use GSA sources of supply and services when determined consistent with and in furtherance of the international development goals of the FAA. The President delegated his authority to make Section 607 determinations under the FAA to the U.S. Agency for International Development... Entities determined eligible under this authority are listed in Appendix C. Purchases are limited to those for civilian use only.

(4) **Non-appropriated fund activities**. FPMR 101-26.000 provides that military commissaries and non-appropriated fund activities may use GSA sources of supply and services for their own use, not for resale, unless otherwise authorized by the individual Federal agency and GSA has concurred.

8. **Ineligible activities**. Except for the acquisition of excess personal property through sponsoring agencies, which is governed by FMR 102-36.185 - 102-36.205 and not this GSA Order, or in accordance with paragraph 7.d(6)(d) above regarding state and local governments expending Federal grant funds in response to Public Health Emergencies, Federal grantees are ineligible to use GSA sources of supply and services. In addition, a cost-reimbursement contractor cannot transfer procurement authorization to a third party.

9. **Travel and transportation**.

a. **Persons**. Organizations seeking to use GSA sources of supply and services for travel related services and transportation of persons must obtain a separate determination for the requested service(s). This is necessary to determine whether the requesting entity is eligible under the language of the specific contract(s); e.g., travel management services, travel charge card services, and air passenger transportation.

b. **Goods**. An organization eligible to use GSA sources of supply and services that is seeking to use GSA sources of supply for transportation of goods pursuant to a contract entered into under the FAR may do so if the requesting entity is eligible under the language of the specific contract(s); e.g., express small package delivery, express heavyweight delivery services. As a general matter, transportation under GSA's tenders of service entered into under

49 U.S.C. § 13712 or similar statutes governing common carriage are limited to transportation for the Federal Government.

10. **Excess, surplus, and forfeited property**. The eligibility of organizations to obtain supplies and services through GSA's personal property utilization and disposal programs is not governed by this GSA Order.

11. **Determination of eligibility**. Organizations other than those covered in the appendices to this GSA Order may be eligible to use GSA sources of supply and services. Organizations requesting an eligibility determination should submit a request to the Office of Governmentwide Policy, Attn: Office of Acquisition Policy (MV), 1800 F Street, NW, Washington, DC 20405, or phone (202) 208-0291. Include in the request the name and contact number of the entity or organization with applicable supporting documentation and any separate statutory authority that may exist, for GSA's analysis and determination. Additional organizations, upon an affirmative determination of eligibility, may be posted to the appropriate appendix of the GSA Order on GSA's website at http://www.gsa.gov/graphics/fas/GSAOrderADM4800_2F.pdf.

Dan Tangherlini
Acting Administrator

Appendix A
Executive Agencies

The following have been determined to be "executive agencies," or parts thereof, for the purpose of using GSA sources of supply and services. This list is not all-inclusive; other agencies may be eligible, and GSA will make an eligibility determination on a case-by-case basis in response to requests received. (See paragraph 11.) Listed here are major executive agencies and their components for which inquiries have been received.

Advisory Council on Historic Preservation
Agency for International Development
Agriculture, Department of
Air Force, Department of
American Battle Monuments Commission
Armed Forces Retirement Home
Army Corp of Engineers
Army, Department of
Bonneville Power Administration
Bureau of Land Management
Central Intelligence Agency
Christopher Columbus Fellowship Foundation
Commerce, Department of
Commission on Civil Rights
Commission on Fine Arts
Commodity Credit Corporation
Commodity Futures Trading Commission
Consumer Products Safety Commission
Corporation for National and Community Service
Defense, Department of
Defense agencies and Joint Service Schools
Defense Nuclear Facilities Safety Board
Education, Department of
Energy, Department of
Environmental Protection Agency
Equal Employment Opportunity Commission
Executive Office of the President
Export-Import Bank of U.S.
Farm Credit Administration
Federal Communications Commission
Federal Election Commission
Federal Emergency Management Agency
Federal Labor Relations Authority
Federal Maritime Commission
Federal Trade Commission
Forest Service, U.S.
General Services Administration
Government National Mortgage Association
Harry S. Truman Scholarship Foundation
Health and Human Services, Department of
Homeland Security, Department of
Housing and Urban Development, Department of
Interagency Council on the Homelessness
Inter-American Foundation
Interior, Department of the
International Boundary and Water Commission, United States Section
Justice, Department of
John F. Kennedy Center for the Performing Arts
Labor, Department of
Madison, James, Memorial Fellowship Foundation
Merit Systems Protection Board
Morris K. Udall Scholarship and Excellence in National Environment Policy Foundation
National Aeronautics and Space Administration

National Archives and Records Administration
National Credit Union Administration (not individual credit unions)
National Council on the Handicapped
National Endowment for the Arts
National Endowment for the Humanities
National Guard Activities (only through U.S. Property and Fiscal Officers)
National Labor Relations Board
National Science Foundation
National Transportation Safety Board
Navy, Department of
Nuclear Regulatory Commission
Nuclear Waste Technical Review Board
Occupational Safety and Health Review Commission
Office of Personnel Management
Office of Special Counsel
Peace Corps
Pension Benefit Guaranty Corporation
Postal Regulatory Commission
Presidio Trust, the
Railroad Retirement Board
St. Elizabeths Hospital
Securities and Exchange Commission
Selective Service System
Small Business Administration
Smithsonian Institution
Social Security Administration
State, Department of
Tennessee Valley Authority
Trade and Development Agency
Transportation, Department of
Transportation Security Administration
Treasury, Department of
U.S. Arms Control and Disarmament Agency
U.S. Secret Service
U.S. International Trade Commission
U.S. Navy Medical Research Unit
U.S. Postal Service
Veterans Affairs, Department of

Appendix B
Other Eligible Users

The following have been determined to be eligible to use GSA sources of supply and services, in addition to the organizations listed in appendixes A and C. This list is not all-inclusive; other organizations may be eligible to use GSA sources of supply and services. GSA will make an eligibility determination on a case-by-case basis in response to requests received. (See paragraph 11.)

Administrative Office of the U.S. Courts
American Printing House for the Blind
American National Red Cross
American Samoa, Government of
Architect of the Capitol
Army/Air Force Exchange Service
Chemical Safety and Hazard Investigation Board
Civil Air Patrol
Coast Guard Auxiliary (through the U.S. Coast Guard)
CoBank, ACB
Committee for Purchase from People Who are Blind or Severely Disabled
Contractors and subcontractors - cost reimbursement (as authorized by the applicable agency's contracting official)
Contractors and subcontractors - fixed price (security equipment only when so authorized by the applicable agency's contracting official)
Courts, District of Columbia
Courts, Federal (not court reporters)
Delaware River Basin Commission
Denali Commission
District of Columbia, Government of
District of Columbia, Public Schools
District of Columbia, Pretrial Services Agency/Public Defenders
Eisenhower Exchange Fellowship
Election Assistance Commission
Farm Credit Banks (AgriBank FCB, Farm Credit Bank of Texas, U.S. AgBank FCB, and AgFirst FCB)
Federal Coordinator for the Alaska Natural Gas Transportation Project
Federal Deposit Insurance Corporation
Federal Financial Institutions Examination Council
Federal Home Loan Banks
Federal Reserve Board of Governors
Firefighters, Non-Federal (as authorized by the Forest Service, U.S. Department of Agriculture)
Gallaudet University
Government Printing Office
Guam, Government of
House of Representatives, U.S.
Howard University (including hospital)
Japan-United States Friendship Commission
Land Grant Institutions (as cost-reimbursement contractors)
Legal Services Corporation (not its grantees)
Library of Congress
Marine Mammal Commission
Medicare Payment Advisory Commission
Metropolitan Washington Airport Authorities
Millennium Challenge Corporation
National Capital Planning Commission
National Gallery of Art
National Railroad Passenger Corporation (AMTRAK)
National Technical Institute for the Deaf
Navajo and Hopi Indian Relocation, Office of
Naval Exchange Service Command
Neighborhood Reinvestment Corporation
Non-appropriated fund activities (not for resale)
Northern Mariana Islands, Government of the Commonwealth of the
Overseas Private Investment Corporation

Public Interest Declassification Board
Regional Fishery Management Councils
Senate, U.S.
South Atlantic Fishery Management Council
John C. Stennis Center for Public Service
Susquehanna River Basin Commission
U.S. Arctic Research Commission
United States Access Board
U.S. China Economic Security Review Commission
U.S. Institute of Peace
U.S. Tax Court
Vietnam Education Foundation
Virgin Islands, government of (including Virgin Islands Port Authority)
Washington Metropolitan Area Transit Authority (METRO)

Appendix C
International Organizations and Others Determined Eligible under Section 607 of the Foreign Assistance Act

The following have been determined to be eligible to use GSA sources of supply and services, in addition to the organizations listed in appendixes A and B. This list is not all-inclusive; others may also be eligible to use GSA sources of supply and services. GSA will make an eligibility determination on a case-by-case basis in response to requests received. (See paragraph 11.) NOTE: Organizations included in this Appendix C have a limited authorization to access GSA sources of supply, namely for purchases consistent with and in furtherance of the international development goals of the Foreign Assistance Act. (See paragraph 7.e.(3).)

African Development Fund
American Red Cross
Asian Development Bank
Counterpart Foundation, Inc.
Customs Cooperation Council
European Space Research Organization
Food and Agriculture Organization of the United Nations
Great Lakes Fishery Commission
Inter-American Defense Board
Inter-American Development Bank
Inter-American Institute of Agriculture Sciences
Inter-American Investment Corporation
Inter-American Statistical Institute
Inter-American Tropical Tuna Commission
Intergovernmental Maritime Consultative Organization
Intergovernmental Committee for European Migration
International Atomic Energy Agency
International Bank of Reconstruction and Development (WORLD BANK)
International Boundary Commission-United States and Canada
International Boundary and Water Commission-United States and Mexico
International Center for Settlement of Investment Disputes
International Civil Aviation Organization
International Coffee Organization
International Cotton Advisory Committee
International Development Association
International Fertilizer Development Center
International Finance Corporation
International Hydrographic Bureau
International Institute for Cotton
International Joint Commission-United States and Canada
International Labor Organization
International Maritime Satellite Organization
International Monetary Fund
International Pacific Halibut Commission
International Pacific Salmon Fisheries Commission-Canada
International Secretariat for Volunteer Services
International Telecommunications Union
International Wheat Council
Iraqi Ministry of Housing and Construction
Lake Ontario Claims Tribunal
Multinational Force and Observers
Multinational Investment Guarantee Agency (MIGA)
North Atlantic Treaty Organization (NATO)
Organization of African Unity
Organization of American States
Organization for Economic Cooperation and Development
Pan American Health Organization
Radio Technical Commission for Aeronautics
South Pacific Commission
United International Bureau for the Protection of Intellectual Property
United Nations

United Nations Educational, Scientific, and Cultural Organization
Universal Postal Union
World Health Organization
World Intellectual Property Organization
World Meteorological Organization
World Tourism Organization