TO: Heads of Federal agencies

SUBJECT: Amendment 2010-03, FMR Case 2010-102-2, Transportation Management

1. Purpose. This document includes pages that reflect amendments to Part 102-117 of the Federal Management Regulation (FMR).

2. Background. Part 102-117 of the Federal Management Regulation (FMR) (41 CFR part 102-117, Transportation Management) was last reviewed and amended in 2004. GSA collaborated with eight agencies to conduct a review and determine if 41 CFR part 102-117 is still current and accurate. This final rule reflects the changes recommended by GSA and the other eight agencies.

   GSA published FMR Amendment 2010-03, FMR Case 2010-102-2, final rule, in the Federal Register, at 75 FR 51392, August 20, 2010.


4. Explanation of changes. The General Services Administration is amending the Federal Management Regulation by updating its coverage on transportation management. This final rule updates definitions and corrects mailing and website addresses.
5. **Filing instructions.** Make the following page changes:

**Remove FMR pages**

Part 102-117 TOC  
pp. 102-117-i and 102-117-ii  
102-117-1 and 102-117-12

**Insert FMR pages**

Part 102-117 TOC  
pp. 102-117-i and 102-117-11  
102-117-1 and 102-117-12

Henry Maury,  
Director, Transportation Policy,  
Office of Travel, Transportation &  
Asset Management
PART 102-117—TRANSPORTATION MANAGEMENT

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PART 102-117—TRANSPORTATION MANAGEMENT

Subpart A—General

§102-117.5—What is transportation management?

Transportation management is agency oversight of the physical movement of commodities, household goods (HHG) and other freight from one location to another by a transportation service provider (TSP).

§102-117.10—What is the scope of this part?

This part addresses shipping freight and household goods worldwide. Freight is property or goods transported as cargo. Household goods are not Government property, but are employees’ personal property entrusted to the Government for shipment.

§102-117.15—To whom does this part apply?

This part applies to all agencies and wholly owned Government corporations as defined in 5 U.S.C. 101 et seq. and 31 U.S.C. 9101(3), except those indicated in §102-117.20.

§102-117.20—Are any agencies exempt from this part?

(a) The Department of Defense is exempted from this part by an agreement under the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 481 et seq.), except for the rules to debar or suspend a TSP under the Federal Acquisition Regulation (48 CFR part 9, subpart 9.4).

(b) Subpart D of this part, covering household goods, does not apply to the uniformed service members, under Title 37 of the United States Code, “Pay and Allowances of the Uniformed Services,” including the uniformed service members serving in civilian agencies such as the U.S. Coast Guard, National Oceanic and Atmospheric Administration and the Public Health Service.

§102-117.25—What definitions apply to this part?

The following definitions apply to this part:

“Accessorial charges” means charges that are applied to the base tariff rate or base contract of carriage rate. Examples of accessorial charges are:

(1) Bunkers, destination/delivery, container surcharges, and currency exchange for international shipments.

(2) Inside delivery, redelivery, re-consignment, and demurrage or detention for freight.

(3) Packing, unpacking, appliance servicing, blocking and bracing, and special handling for household goods.

“Agency” means an executive department or independent establishment in the executive branch of the Government, and a wholly owned Government corporation.

“Bill of lading,” sometimes referred to as a commercial bill of lading (but includes GBLs), is the document used as a receipt of goods and documentary evidence of title.

“Cargo preference” is the legal requirement for all, or a portion of all, ocean-borne cargo to be transported on U.S. flag vessels.

“Committed rate system” is the system under which an agency may allow its employees to make their own household goods shipping arrangements, and apply for reimbursement.

“Consignee” is the person or agent to whom freight or household goods are delivered.

“Consignor,” also referred to as the shipper, is the person or firm that ships freight or household goods to a consignee.

“Contract of carriage” is a contract between the TSP and the agency to transport freight or household goods.

“Demurrage” is the penalty charge to an agency for delaying the agreed time to load or unload shipments by rail or ocean TSPs.

“Detention” is the penalty charge to an agency for delaying the agreed time to load or unload shipments by truck TSPs. It is also a penalty charge in some ocean shipping contracts of carriage that take effect after the demurrage time ends.

“Electronic commerce” is an electronic technique for carrying out business transactions (ordering and paying for goods and services), including electronic mail or messaging, Internet technology, electronic bulletin boards, charge cards, electronic funds transfers, and electronic data interchange.

“Foreign flag vessel” is any vessel of foreign registry including vessels owned by U.S. citizens but registered in a foreign country.

“Freight” is property or goods transported as cargo.

“Government bill of lading (GBL)” is the transportation document used as a receipt of goods, evidence of title, and a contract of carriage for Government international shipments.

“Governmentwide Transportation Policy Council (GTPC)” is an interagency forum to help GSA formulate policy. It provides agencies managing transportation programs a forum to exchange information and ideas to solve common problems. For further information on this council, see web site: http://www.policyworks.gov/transportation.

“Hazardous material (HAZMAT)” is a substance or material the Secretary of Transportation determines to be an unreasonable risk to health, safety, and property when transported in commerce, and labels as hazardous under section 5103 of the Federal Hazardous Materials Transportation Law (49 U.S.C. 5103 et seq.). When transported internationally hazardous material may be classified as “Dangerous Goods.”
All such freight must be marked in accordance with applicable regulations and the carrier must be notified in advance.

“Household goods (HHG)” are the personal effects of Government employees and their dependents.

“Line-Haul” is the movement of freight between cities excluding pickup and delivery service.

“Mode” is a method of transportation, such as rail, motor, air, water, or pipeline.

“Rate schedule” is a list of freight rates, taxes, and charges assessed against non-household goods cargo.

“Rate tender” is an offer a TSP sends to an agency, containing service rates and charges.

“Receipt” is a written or electronic acknowledgment by the consignee or TSP as to when and where a shipment was received.

“Release/declared value” is stated in dollars and is considered the assigned value of the cargo for reimbursement purposes, not necessarily the actual value of the cargo. Released value may be more or less than the actual value of the cargo. The released value is the maximum amount that could be recovered by the agency in the event of loss or damage for the shipments of freight and household goods. The statement of released value must be shown on any applicable tariff, tender, or other document covering the shipment.

“Reparation” is a payment to or from an agency to correct an improper transportation billing involving a TSP. Improper routing, overcharges or duplicate payments may cause such improper billing. This is different from a payment to settle a claim for loss and damage.

“Suspension” is an action taken by an agency to disqualify a TSP from receiving orders for certain services under a contract or rate tender (48 CFR part 9, subpart 9.407).

“Transportation document” is any executed agreement for transportation service, such as bill of lading, Government bill of lading (GBL), Government travel request (GTR) or transportation ticket.

“Transportation service provider (TSP)” is any party, person, agent or carrier that provides freight or passenger transportation and related services to an agency. For a freight shipment this would include packers, truckers and storers. For passenger transportation this would include airlines, travel agents and travel management centers.

“U.S. flag air carrier” is an air carrier holding a certificate issued by the United States under 49 U.S.C. 41102 (49 U.S.C. 40118, 48 CFR part 47, subpart 47.4).

“U.S. flag vessel” is a commercial vessel, registered and operated under the laws of the U.S., owned and operated by U.S. citizens, and used in commercial trade of the United States.
§102-117.45—What other factors must I consider when using another agency’s contract or rate tender?
When using another agency’s contract or rate tender, you must:
(a) Assure that the contract or rate tender meets any special requirements unique to your agency;
(b) Pay any other charges imposed by the other agency for external use of their contract or rate tender;
(c) Ensure the terms of the other agency’s contract or rate tender allow you to use it; and
(d) Ensure that the agency offering this service has the authority or a delegation of authority from GSA to offer such services to your agency.

§102-117.50—What are the advantages and disadvantages of contracting directly with a TSP under the FAR?
(a) The FAR is an advantage to use when:
   (1) You ship consistent volumes in consistent traffic lanes;
   (2) You have sufficient time to follow FAR contracting procedures; and
   (3) Your contract office is able to handle the requirement.
(b) The FAR may be a disadvantage when you:
   (1) Cannot prepare and execute a FAR contract within your time frame;
   (2) Have recurring shipments between designated places, but do not expect sufficient volume to obtain favorable rates; or
   (3) Do not have the manpower to monitor quality control and administer a contract.

§102-117.55—What are the advantages and disadvantages of using a rate tender?
(a) Using a rate tender is an advantage when you:
   (1) Have a shipment that must be made within too short a time frame to identify or solicit for a suitable contract;
   (2) Have shipments recurring between designated places, but do not expect sufficient volume to obtain favorable rates; or
   (3) Are not in a position to make a definite volume and shipment commitment under a FAR contract.
(b) Using a rate tender may be a disadvantage when:
   (1) You have sufficient time to use the FAR and this would achieve better results;
   (2) You require transportation service for which no rate tender currently exists; or
   (3) A TSP may revoke or terminate the tender on short notice.

§102-117.60—What is the importance of terms and conditions in a rate tender or other transportation document?
Terms and conditions are important to protect the Government’s interest and establish the performance and standards expected of the TSP. It is important to remember that terms and conditions are:
(a) Negotiated between the agency and the TSP before movement of any item; and
(b) Included in all contracts and rate tenders listing the services the TSP is offering to perform at the cost presented in the rate tender or other transportation document.

Note to §102-117.60: You must reference the negotiated contract or rate tender on all transportation documents. For further information see §102-117.65.

§102-117.65—What terms and conditions must all rate tenders or contracts include?
All rate tenders and contracts must include, at a minimum, the following terms and conditions:
(a) Charges cannot be prepaid.
(b) Charges are not paid at time of delivery.
(c) Interest shall accrue from the voucher payment date on overcharges made and shall be paid at the same rate in effect on that date as published by the Secretary of the Treasury according to the Debt Collection Act of 1982, U.S.C. 3717;
(d) To qualify for the rates specified in a rate tender filed under the provisions of the Federal transportation procurement statutes (49 U.S.C. 10721 or 13712), property must be shipped by or for the Government and the rate tender must indicate the Government is either the consignor or the consignee and include the following statement:
   Transportation is for the (agency name) and the total charges paid to the transportation service provider by the consignor or consignee are for the benefit of the Government.
(e) When using a rate tender for transportation under a cost-reimbursable contract, include the following statement in the rate tender:
   Transportation is for the (agency name), and the actual total transportation charges paid to the transportation service provider by the consignor or consignee are to be reimbursed by the Government pursuant to cost reimbursable contract (number). This may be confirmed by contacting the agency representative at (name, address and telephone number).
(f) Other terms and conditions that may be specific to your agency or the TSP such as specialized packaging requirements or HAZMAT. For further information see the “U.S.
§102-117.70—Where do I find more information on terms and conditions?
You may find more information about terms and conditions in part 102-118 of this chapter, or the “U.S. Government Freight Transportation Handbook” (see §102-117.65(f)).

§102-117.75—How do I reference the rate tender on transportation documents?
To ensure proper reference of a rate tender on all shipments, you must show the applicable rate tender number and carrier identification on all transportation documents, such as, section 13712 quotation, “ABC Transportation Company, Tender Number ***”.

§102-117.80—How are rate tenders filed?
(a) The TSP must file an electronic rate tender with your agency. Details of what must be included when submitting electronic tenders is located in §102-118.260(b) of this subchapter.
(b) You must send two copies of the rate tender to:
General Services Administration
Federal Supply Service, Audit Division (FBA)
1800 F Street, NW.
Washington, DC 20405
www.gsa.gov/transaudits

§102-117.85—What is the difference between a Government bill of lading (GBL) and a bill of lading?
(a) A Government bill of lading (GBL), Optional Forms 1103 or 1203, is a controlled document that conveys specific terms and conditions to protect the Government interest and serves as the contract of carriage.
(b) A GBL is used only for international shipments.
(c) A bill of lading, sometimes referred to as a commercial bill of lading, establishes the terms of contract between a shipper and TSP. It serves as a receipt of goods, a contract of carriage, and documentary evidence of title.
(d) Use a bill of lading for Government shipments if the specific terms and conditions of a GBL are included in any contract or rate tender (see §102-117.65) and the bill of lading makes reference to that contract or rate tender (see §102-117.75 and the “U.S. Government Freight Transportation Handbook”).

§102-117.90—May I use U.S. Government bill of lading (GBL) to acquire freight, household goods or other related transportation services?
You may use the Government bill of lading (GBL) only for international shipments (including domestic offshore shipments).

§102-117.95—What transportation documents must I use to acquire freight, household goods or other transportation services?
(a) Bills of lading and purchase orders are the transportation documents you use to acquire freight, household goods shipments, and other transportation services. Terms and conditions in §102-117.65 and the “U.S. Government Freight Transportation Handbook” are still required. For further information on payment methods, see part 102-118 of this chapter (41 CFR part 102-118).
(b) Government bills of lading (GBLs) are optional transportation documents for international shipments (including domestic offshore shipments).

Subpart C—Business Rules to Consider Before Shipping Freight or Household Goods

§102-117.100—What business rules must I consider before acquiring transportation or related services?
When acquiring transportation or related services you must:
(a) Use the mode or individual transportation service provider (TSP) that provides the overall best value to the agency. For more information, see §§102-117.105 through 102-117.130;
(b) Demonstrate no preferential treatment to any TSP when arranging for transportation services except on international shipments. Preference on international shipments must be given to United States registered commercial vessels and aircraft;
(c) Ensure that small businesses receive equal opportunity to compete for all business they can perform to the maximum extent possible, consistent with the agency’s interest (see 48 CFR part 19);
(d) Encourage minority-owned businesses and women-owned businesses, to compete for all business they can perform to the maximum extent possible, consistent with the agency’s interest (see 48 CFR part 19);
(e) Review the need for insurance. Generally, the Government is self-insured; however, there are instances when the Government will purchase insurance coverage for Government property. An example may be cargo insurance for international air cargo shipments to cover losses over those allowed under the International Air Transport Association (IATA) or for ocean freight shipments; and
§102-117.140—What is cargo preference?

Cargo preference is the statutory requirement that all, or a portion of all, ocean-borne cargo that moves internationally be transported on U.S. flag vessels. Deviations or waivers from the cargo preference laws must be approved by:

Department of Transportation
Maritime Administration
Office of Cargo Preference
1200 New Jersey Ave., SE
Washington, DC 20590
http://www.marad.dot.gov
Tel. 1–800–987–3524
E-mail: cargo.marad@dot.gov

Note to §102-117.135(b): Non-vessel Operations Common Carrier (NVOCC) or freight forwarder bills of lading are not acceptable (see 48 CFR part 47). They should be attached to the underlying ocean carrier bill of lading.

§102-117.140—Must I select TSPs who use alternative fuels?

No, but, whenever possible, you are encouraged to select TSPs that use alternative fuel vehicles and equipment, under policy in the Clean Air Act Amendments of 1990 (42 U.S.C. 7612) or the Energy Policy Act of 1992 (42 U.S.C. 13212).

Subpart D—Restrictions That Affect International Transportation of Freight and Household Goods

§102-117.135—What are the international transportation restrictions?

Several statutes mandate the use of U.S. flag carriers for international shipments (see 48 CFR part 47, subparts 47.4 and 47.5). For example:

(a) Arrangements for international air transportation services must follow the Fly America Act (International Air Transportation Fair Competitive Practices Act of 1974) (49 U.S.C. 40118); and

(b) International movement of property by water is subject to the cargo preference laws (see 46 CFR part 381 and 48 CFR part 47, subpart 47.5), which require the use of a U.S. flag carrier when service is available. The Maritime Administration (MARAD) monitors agency compliance of these laws. All Government shippers must send a rated copy of the ocean carrier’s bill of lading to MARAD within 30 days of loading aboard a vessel to:

Department of Transportation
Maritime Administration
Office of Cargo Preference
1200 New Jersey Ave., SE
Washington, DC 20590
http://www.marad.dot.gov
Tel. 1–800–987–3524
E-mail: cargo.marad@dot.gov

Note to §102-117.135(b): Non-vessel Operations Common Carrier (NVOCC) or freight forwarder bills of lading are not acceptable (see 48 CFR part 47). They should be attached to the underlying ocean carrier bill of lading.

§102-117.140—What is cargo preference?

Cargo preference is the statutory requirement that all, or a portion of all, ocean-borne cargo that moves internationally be transported on U.S. flag vessels. Deviations or waivers from the cargo preference laws must be approved by:

Department of Transportation
Maritime Administration
Office of Cargo Preference
1200 New Jersey Ave., SE
Washington, DC 20590
§102-117.145—What are coastwise laws?

Coastwise laws refer to laws governing shipment of freight, household goods and passengers by water between points in the United States or its territories. The purpose of these laws is to assure reliable shipping service and the existence of a maritime capability in times of war or national emergency (see section 27 of the Merchant Marine Act of 1920, 46 App. U.S.C. 883, 19 CFR 4.80).

§102-117.150—What do I need to know about coastwise laws?

You need to know that:

(a) Goods transported entirely or partly by water between U.S. points, either directly or via a foreign port, must travel in U.S. flag vessels that have a coastwise endorsement;

(b) There are exceptions and limits for the U. S. Island territories and possessions in the Atlantic and Pacific Oceans (see §102-117.155);

(c) The Secretary of the Treasury is empowered to impose monetary penalties against agencies that violate the coastwise laws.

§102-117.155—Where do I go for further information about coastwise laws?

You may refer to 46 App. U.S.C. 883, 19 CFR 4.80, DOT MARAD (800-987-3524 or cargo.marad@dot.gov), the U.S. Coast Guard or U.S. Customs Service for further information on exceptions to the coastwise laws.

Subpart E—Shipping Freight

§102-117.160—What is freight?

Freight is property or goods transported as cargo.

§102-117.165—What shipping process must I use for freight?

Use the following shipping process for freight:

(a) For domestic shipments you must:

(1) Identify what you are shipping;

(2) Decide if the cargo is HAZMAT, classified, or sensitive that may require special handling or placards;

(3) Decide mode;

(4) Check for applicable contracts or rate tenders within your agency or other agencies, including GSA;

(5) Select the most efficient and economical TSP that gives the best value;

(6) Prepare shipping documents; and

(7) Schedule pickup, declare released value and ensure prompt delivery with a fully executed receipt, and oversee shipment.

(b) For international shipments you must follow all the domestic procedures and, in addition, comply with the cargo preference laws. For specific information, see subpart D of this part.

§102-117.170—What reference materials are available to ship freight?

(a) The following is a partial list of handbooks and guides available from GSA:

(1) U.S. Government Freight Transportation Handbook;

(2) Limited Authority to Use Commercial Forms and Procedures;

(3) Submission of Transportation Documents; and

(4) Things to be Aware of When Routing or Receiving Freight Shipments.

(b) For the list in paragraph (a) of the section and other reference materials, contact:

General Services Administration
Federal Supply Service Audit Division (FBA)
1800 F Street, NW.
Washington, DC 20405
www.gsa.gov/transaudits

or

General Services Administration
Federal Supply Service
1500 Bannister Road
Kansas City, MO 64131

§102-117.175—What factors do I consider to determine the mode of transportation?

Your shipping urgency and any special handling requirements determine which mode of transportation you select. Each mode has unique requirements for documentation, liability, size, weight and delivery time. HAZMAT, radioactive, and other specialized cargo may require special permits and may limit your choices.

§102-117.180—What transportation documents must I use to ship freight?

To ship freight:

(a) By land (domestic shipments), use a bill of lading;

(b) By land (international shipments), you may, but are not required to, use the optional GBL;

(c) By ocean, use an ocean bill of lading, when suitable, along with the GBL. You only need an ocean bill of lading for door-to-door movements; and
§102-117.225—What is the difference between a contract or a rate tender and a commuted rate system?
(a) Under a contract or a rate tender, the agency prepares the bill of lading and books the shipment. The agency is the shipper and pays the TSP the applicable charges. If loss or damage occurs, the agency may either file a claim on behalf of the employee directly with the TSP, or help the employee in filing a claim against the TSP.
(b) Under the commuted rate system an employee arranges for shipping HHG and is reimbursed by the agency for the resulting costs. Use this method only within the continental United States (not Hawaii or Alaska). The agency reimburses the employee according to the Commuted Rate Schedule published by the GSA. The Commuted Rate Schedule (without

Subpart G—Shipping Household Goods

§102-117.215—What are household goods (HHG)?
Household goods (HHG) are the personal effects of Government employees and their dependents.

§102-117.220—What choices do I have to ship HHG?
(a) You may choose to ship HHG by:
(1) Using the commuted rate system;
(2) GSA’s Centralized Household Goods Traffic Management Program (CHAMP);
(3) Contracting directly with a TSP, (including a relocation company that offers transportation services) using the acquisition procedures under the Federal Acquisition Regulation (FAR) (see §102-117.35);
(4) Using another agency’s contract with a TSP (see §§102-117.140 and 102-117.45);
(5) Using a rate tender under the Federal transportation procurement statutes (49 U.S.C. 10721 or 13712) (see §102-117.35).
(b) As an alternative to the choices in paragraph (a) of this section, you may request the Department of State to assist with shipments of HHG moving to, from, and between foreign countries or international shipments originating in the continental United States. The nearest U.S. Embassy or Consulate may assist with arrangements of movements originating abroad. For further information contact:
Department of State
Transportation Operations
2201 C Street, NW.
Washington, DC 20520

Note to §102-117.220: Agencies must use the commuted rate system for civilian employees who transfer between points inside the continental United States unless it is evident from the cost comparison that the Government will incur a savings ($100 or more) using another choice listed. The use of household goods rate tenders is not authorized when household goods are shipped under the commuted rate system.

§102-117.225—What is the difference between a contract or a rate tender and a commuted rate system?
(a) Under a contract or a rate tender, the agency prepares the bill of lading and books the shipment. The agency is the shipper and pays the TSP the applicable charges. If loss or damage occurs, the agency may either file a claim on behalf of the employee directly with the TSP, or help the employee in filing a claim against the TSP.
(b) Under the commuted rate system an employee arranges for shipping HHG and is reimbursed by the agency for the resulting costs. Use this method only within the continental United States (not Hawaii or Alaska). The agency reimburses the employee according to the Commuted Rate Schedule published by the GSA. The Commuted Rate Schedule (without

Subpart F—Shipping Hazardous Material (HAZMAT)

§102-117.200—What is HAZMAT?
HAZMAT is a substance or material the Secretary of Transportation determines to be an unreasonable risk to health, safety and property when transported in commerce. Therefore, there are restrictions on transporting HAZMAT (49 U.S.C. 5103 et seq.).

§102-117.205—What are the restrictions for transporting HAZMAT?
Agencies that ship HAZMAT are subject to the Environmental Protection Agency and the Department of Transportation regulations, as well as applicable State and local government rules and regulations.

§102-117.210—Where can I get guidance on transporting HAZMAT?
The Secretary of Transportation prescribes regulations for the safe transportation of HAZMAT in intrastate, interstate, and foreign commerce in 49 CFR parts 171 through 180. The Environmental Protection Agency also prescribes regulations on transporting HAZMAT in 40 CFR parts 260 through 266. You may also call the HAZMAT information hotline at 1–800–467–4922 (Washington, DC area, call 202–366–4488).

Subpart G—Shipping Household Goods

§102-117.215—What are household goods (HHG)?
Household goods (HHG) are the personal effects of Government employees and their dependents.

§102-117.220—What choices do I have to ship HHG?
(a) You may choose to ship HHG by:
(1) Using the commuted rate system;
(2) GSA’s Centralized Household Goods Traffic Management Program (CHAMP);
(3) Contracting directly with a TSP, (including a relocation company that offers transportation services) using the acquisition procedures under the Federal Acquisition Regulation (FAR) (see §102-117.35);
(4) Using another agency’s contract with a TSP (see §§102-117.140 and 102-117.45);
(5) Using a rate tender under the Federal transportation procurement statutes (49 U.S.C. 10721 or 13712) (see §102-117.35).
(b) As an alternative to the choices in paragraph (a) of this section, you may request the Department of State to assist with shipments of HHG moving to, from, and between foreign countries or international shipments originating in the continental United States. The nearest U.S. Embassy or Consulate may assist with arrangements of movements originating abroad. For further information contact:
Department of State
Transportation Operations
2201 C Street, NW.
Washington, DC 20520

Note to §102-117.220: Agencies must use the commuted rate system for civilian employees who transfer between points inside the continental United States unless it is evident from the cost comparison that the Government will incur a savings ($100 or more) using another choice listed. The use of household goods rate tenders is not authorized when household goods are shipped under the commuted rate system.

§102-117.225—What is the difference between a contract or a rate tender and a commuted rate system?
(a) Under a contract or a rate tender, the agency prepares the bill of lading and books the shipment. The agency is the shipper and pays the TSP the applicable charges. If loss or damage occurs, the agency may either file a claim on behalf of the employee directly with the TSP, or help the employee in filing a claim against the TSP.
(b) Under the commuted rate system an employee arranges for shipping HHG and is reimbursed by the agency for the resulting costs. Use this method only within the continental United States (not Hawaii or Alaska). The agency reimburses the employee according to the Commuted Rate Schedule published by the GSA. The Commuted Rate Schedule (without

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§102-117.230—Must I compare costs between a contract or a rate tender and the commuted rate system before choosing which method to use?

Yes, you must compare the cost between a contract or a rate tender, and the commuted rate system before you make a decision.

§102-117.235—How do I get a cost comparison?

(a) You may calculate a cost comparison internally according to 41 CFR 302-8.3.

(b) You may request GSA to perform the cost comparison if you participate in the CHAMP program by sending GSA the following information as far in advance as possible (preferably 30 calendar days):

1. Name of employee;
2. Origin city, county and State;
3. Destination city, county, and State;
4. Date of household goods pick up;
5. Estimated weight of shipments;
6. Number of days storage-in-transit (if applicable);

and

7. Other relevant data.

(c) For more information on cost comparisons contact:
General Services Administration
Federal Supply Service
1500 Bannister Road
Kansas City, MO 64131
http://www.kc.gsa.gov/fsstt

Note to §102-117.235(c): GSA may charge an administrative fee for agencies not participating in the CHAMP program.

§102-117.240—What is my agency’s financial responsibility to an employee who chooses to move all or part of his/her HHG under the commuted rate system?

(a) Your agency is responsible for reimbursing the employee what it would cost the Government to ship the employee’s HHG by the most cost-effective means available or the employee’s actual moving expenses, whichever is less.

(b) The employee is liable for the additional cost when the cost of transportation arranged by the employee is more than what it would cost the Government.

Note to §102-117.240: For information on how to ship household goods, refer to the Federal Travel Regulation, 41 CFR part 302-7, Transportation and Temporary Storage of Household Goods and Professional Books, Papers, and Equipment (PBP&E).

§102-117.245—What is my responsibility in providing guidance to an employee who wishes to use the commuted rate system?

You must counsel employees that they may be liable for all costs above the amount reimbursed by the agency if they select a TSP that charges more than provided under the Commuted Rate Schedule.

§102-117.250—What are my responsibilities after shipping the household goods?

(a) Each agency should develop an evaluation survey for the employee to complete following the move.

(b) Under the CHAMP program, you must counsel employees to fill out their portion of the GSA Form 3080, Household Goods Carrier Evaluation Report. This form reports the quality of the TSP’s performance. After completing the appropriate sections of this form, the employee must send it to the bill of lading issuing officer who in turn will complete the form and forward it to:
General Services Administration
National Customer Service Center
1500 Bannister Rd.
Kansas City, MO 64131
http://www.kc.gsa.gov/fsstt

§102-117.255—What actions may I take if the TSP’s performance is not satisfactory?

If the TSP’s performance is not satisfactory, you may place a TSP in temporary nonuse, suspended status, or debarred status. For more information on doing this, see subpart I of this part and the FAR (48 CFR 9.406-3 and 9.407-3).

§102-117.260—What are my responsibilities to employees regarding the TSP’s liability for loss or damage claims?

Regarding the TSP’s liability for loss or damage claims, you must:

(a) Advise employees on the limits of the TSP’s liability for loss of and damage to their HHG so the employee may evaluate the need for added insurance;

(b) Inform the employee about the procedures to file claims for loss and damage to HHG with the TSP; and

(c) Counsel employees, who have a loss or damage to their HHG that exceeds the amount recovered from a TSP, on pro-
§102-117.290—What is the difference between temporary nonuse, suspension and debarment?

(a) Temporary nonuse is limited to your agency and initiated by the agency transportation officers for a period not to exceed 90 days for:

1. Willful violations of the terms of the rate tender;
2. Persistent or willful failure to meet requested packing and pickup service;
3. Failure to meet required delivery dates;
4. Violation of Department of Transportation (DOT) hazardous material regulations;
5. Mishandling of freight, damaged or missing transportation seals, improper loading, blocking, packing or bracing of property;
6. Improper routing of property;
7. Subjecting your shipments to unlawful seizure or detention by failing to pay debts;
8. Operating without legal authority;
9. Failure to settle claims according to Government regulations; or
10. Repeated failure to comply with regulations of DOT, Surface Transportation Board, State or local governments or other Government agencies.

(b) Suspension is disqualifying a TSP from receiving orders for certain services under a contract or rate tender pending an investigation or legal proceeding. A TSP may be suspended on adequate evidence of:

1. Fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a contract for transportation;
2. Violation of Federal or State antitrust statutes;
3. Embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property; and
4. Any other offense indicating a lack of business integrity or business honesty that seriously and directly

(Amendment 2010–03) 102-117-9
§102-117.295—Who makes the decisions on temporary nonuse, suspension and debarment?
(a) The transportation officer may place a TSP in temporary nonuse for a period not to exceed 90 days.
(b) The serious nature of suspension and debarment requires that these sanctions be imposed only in the public interest for the Government’s protection and not for purposes of punishment. Only the agency head or his/her designee may suspend or debar a TSP.

§102-117.300—Do the decisions on temporary nonuse, suspension, and debarment go beyond the agency?
(a) Temporary nonuse does not go beyond the agency.
(b) Decisions on suspended or debarred TSPs do go beyond the agency and are available to the general public on the Excluded Parties Lists System (EPLS) maintained by GSA at http://www.epls.gov.

§102-117.305—Where do I go for information on the process for suspending or debarring a TSP?
Refer to the Federal Acquisition Regulation (48 CFR part 9, subpart 9.4) for policies and procedures governing suspension and debarment of a TSP.

§102-117.310—What records must I keep on temporary nonuse, suspension, or debarment of a TSP?
(a) You must set up a program consistent with your agency’s internal record retention procedures to document the placement of TSPs in a nonuse, suspended or debarred status.
(b) For temporary nonuse, your records must contain the following information:
   (1) Name, address, and Standard Carrier Alpha Code and Taxpayer Identification Number of each TSP placed in temporary nonuse status;
   (2) The duration of the temporary nonuse status;
   (3) The cause for imposing temporary nonuse, and the facts showing the existence of such a cause;
   (4) Information and arguments in opposition to the temporary nonuse period sent by the TSP or its representative; and
   (5) The reviewing official’s determination about keeping or removing temporary nonuse status.
(c) For suspended or debarred TSPs, your records must include the same information as paragraph (b) of this section and you must:
   (1) Assure your agency does not award contracts to a suspended or debarred TSP; and
   (2) Notify GSA (see §102-117.315).

§102-117.315—Whom must I notify on suspension or debarment of a TSP?
Agencies must report electronically any suspension or debarment actions to the Excluded Parties List System: http://www.epls.gov in accordance with the provisions of 48 CFR 9.404(c).

§102-117.320—What is a transportation regulatory body proceeding?
A transportation regulatory body proceeding is a hearing before a transportation governing entity, such as a State public utility commission, the Surface Transportation Board, or the Federal Maritime Commission. The proceeding may be at the Federal or State level depending on the activity regulated.

§102-117.325—May my agency appear on its own behalf before a transportation regulatory body proceeding?
Generally, no executive agency may appear on its own behalf in any proceeding before a transportation regulatory body, unless the Administrator of General Services delegates the authority to the agency. The statutory authority for the Administrator of General Services to participate in regulatory proceedings on behalf of all Federal agencies is in section 201(a)(4) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 481(a)(4)).

§102-117.330—When, or under what circumstances, would GSA delegate authority to an agency to appear on its own behalf before a transportation regulatory body proceeding?
GSA will delegate authority when it does not have the expertise, or when it is outside of GSA’s purview, to make a determination on an issue such as a protest of rates, routings or excessive charges.

§102-117.335—How does my agency ask for a delegation to represent itself in a regulatory body proceeding?
You must send your request for delegation with enough detail to explain the circumstances surrounding the need for delegation of authority for representation to:
General Services Administration
Office of Travel, Transportation and Asset Management (MT)
1800 F Street, NW.
Washington, DC 20405
§102-117.340—What other types of assistance may GSA provide agencies in dealing with regulatory bodies?
(a) GSA has oversight of all public utilities used by the Federal Government including transportation. There are specific regulatory requirements a TSP must meet at the State level, such as the requirement to obtain a certificate of public convenience and necessity.
(b) GSA has a list of TSPs, which meet certain criteria regarding insurance and safety, approved by DOT. You must furnish GSA with an affidavit to determine if the TSP meets the basic qualification to protect the Government’s interest. As an oversight mandate, GSA coordinates this function. For further information contact:
General Services Administration
Office of Travel and Transportation Services
Center for Transportation Management (QMCC)
2200 Crystal Drive, Rm #3042
Arlington, VA 20406

Subpart J—Reports
§102-117.345—Is there a requirement for me to report to GSA on my transportation activities?
(a) There is no requirement for reporting to GSA on your transportation activities. However, GSA will work with your agency and other agencies to develop reporting requirements and procedures.
(b) Preliminary reporting requirements may include an electronic formatted report on the quantity shipped, locations (from and to) and cost of transportation. The following categories are examples:
   (1) Dollar amount spent for transportation;
   (2) Volume of weight shipped;
   (3) Commodities shipped;
   (4) HAZMAT shipped;
   (5) Mode used for shipment;
   (6) Location of items shipped (international or domestic); and
   (7) Domestic subdivided by East and West (Interstate 85).

§102-117.350—How will GSA use reports I submit?
(a) Reporting on transportation and transportation related services will provide GSA with:
   (1) The ability to assess the magnitude and key characteristics of transportation within the Government (e.g., how much agencies spend; what type of commodity is shipped; etc.);
   (2) Data to analyze and recommend changes to policies, standards, practices, and procedures to improve Government transportation; and
   (3) A better understanding of how your activity relates to other agencies and your influence on the Governmentwide picture of transportation services.
(b) In addition, this information will assist you in showing your management the magnitude of your agency’s transportation program and the effectiveness of your efforts to control cost and improve service.

Subpart K—Governmentwide Transportation Policy Council (GTPC)
§102-117.355—What is the Governmentwide Transportation Policy Council (GTPC)?
The Office of Governmentwide Policy sponsors a Governmentwide Transportation Policy Council (GTPC) to help agencies establish, improve, and maintain effective transportation policies, practices and procedures. The council:
(a) Collaborates with private and public stakeholders to develop valid performance measures and promote solutions that lead to effective results; and
(b) Provides assistance to your agency with the requirement to report your transportation activity to GSA (see §102-117.345).

§102-117.360—Where can I get more information about the GTPC?
For more information about the GTPC, contact:
General Services Administration
Office of Travel, Transportation and Asset Management (MT)
1800 F Street, NW.
Washington, DC 20405
http://www.policyworks.gov/transportation