

TEXAS FACILITIES COMMISSION  
FEDERAL SURPLUS PROPERTY PROGRAM (FSP)  
P.O. Box 13047, Austin, Texas 78711  
TEL: (512) 475-3705 - FAX: (512) 236-6173  
www.tfc.state.tx.us/surplus/index.html

## APPLICATION FOR ELIGIBILITY

### INSTRUCTIONS FOR COMPLETING THE APPLICATION FOR ELIGIBILITY FORM TO RECEIVE FEDERAL SURPLUS PROPERTY (41 CFR 101-44.207)

(Please type or print in blue or black ink only)

**SECTION I:** Provide the full legal name of your organization on the first line of this section. Provide the Federal Employer ID#. Provide the complete mailing address of your organization as recognized by the U.S. Postal Service, including the nine-digit Zip Code. Provide the street address if different from mailing address, or provide directions if located on a rural route or in other remote area. List the county in which the organization is actually located, a business telephone number with area code, and both business and accounts payable fax numbers. Provide the fiscal year ending date and email address. **E-mail addresses provided will receive broadcast e-mails about account status, new arrivals, specials, and any discounts.**

**SECTION II:** Check the appropriate box that describes your organization. (If you are unable to determine which status to check, please contact this office for assistance.)

**SECTION III:** Check the appropriate box or boxes (check as many as apply) that indicate the type or purpose of your organization. Please see page 6 for additional requirements for specific types of organizations.

**SECTION IV:** Provide a comprehensive written description of all programs or services and a description of the operational facilities. Be sure to include hours of operation, services and programs offered, population or enrollment, fee charges, etc. Include samples of pamphlets, catalogs, brochures, posters, or other printed materials.

**SECTION V:** Indicate the source(s) of funding for your organization and provide supporting documentation.

**SECTION VI:** Provide Copy of IRS Tax Exemption Letter under Section 501(C)(3) of Internal Revenue Code; Articles of Incorporation; Bylaws; and State Certificate of Incorporation. The name of the organization on this IRS letter must match the name provided in Section I of this application. If not, applicant must include sufficient evidence such as amendments to Articles of Incorporation, or Assumed Name filing certificates to establish an audit trail or names showing the legal connection.

**SECTION VII:** Nonprofit, tax exempt organizations are required to submit evidence that they are currently approved, accredited or licensed by a nationally recognized accrediting or licensing organization. Recreation, social service, referral, religious and counseling service programs are not eligible to participate in the program.

**SECTION VIII:** Annotate date and provide an *original* signature of applicant's Authorized Official (President, Chairman of the Board, County Judge, Mayor, City Manager, Executive Director, Administrator, Superintendent, Fire Chief or other person with authority to execute legal documents for the applicant). Applications submitted by counties must be signed by the County Judge. Type or print the name and title of authorized official on the lines provided.

**NOTE: INCOMPLETE APPLICATIONS WILL NOT BE PROCESSED. IF YOU HAVE QUESTIONS OR NEED ASSISTANCE, PLEASE CALL (512) 475-3705.**

SEND ALL NEW APPLICATIONS TO: TEXAS FACILITIES COMMISSION  
(Original documents must be mailed) FEDERAL SURPLUS PROPERTY PROGRAM  
P.O. BOX 13047  
AUSTIN, TX 78711-3047  
TEL: 512-475-3705  
FAX: 512-236-6173

**SIGNATURE IS REQUIRED ON PAGES 2 - 6**

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**APPLICATION FOR ELIGIBILITY**

PLEASE TYPE OR PRINT INFORMATION LEGIBLY WHERE APPROPRIATE

**I. LEGAL NAME & MAILING ADDRESS OF APPLICANT ORGANIZATION:**

**Payments must be in the name of donee or parent company**

NAME OF ORGANIZATION _____		FEDERAL EMPLOYER ID _____	
STREET ADDRESS/LOCATION _____		CITY _____	TX STATE _____
MAILING ADDRESS (P.O. Box #) _____		9 DIGIT ZIP CODE _____	
COUNTY _____	TELEPHONE # _____	FAX # _____	ACCTS PAYABLE FAX # _____
FISCAL YEAR END DATE: _____		EMAIL: _____	

**II. APPLICANT STATUS (CHECK ONE):**

- Public Agency including Public Schools (Tax Supported)       SBA 8(a) Business Development Program  
 Nonprofit, tax-exempt Organization

**III. TYPE OR PURPOSE OF ORGANIZATION: (see page 5 & 6 for requirements for specific types of organizations)**

- |                                   |  |   |                                      |
|-----------------------------------|--|---|--------------------------------------|
| <input type="checkbox"/> State    | <input type="checkbox"/> Medical Institution | <input type="checkbox"/> Program Funded for Older Americans     | <input type="checkbox"/> Other _____ |
| <input type="checkbox"/> County   | <input type="checkbox"/> Health Center       | <input type="checkbox"/> College or University                  |                                      |
| <input type="checkbox"/> City     | <input type="checkbox"/> Child Care Center   | <input type="checkbox"/> School for Students With Disabilities  |                                      |
| <input type="checkbox"/> Museum   | <input type="checkbox"/> Preschool           | <input type="checkbox"/> Sheltered Workshop Training Program    |                                      |
| <input type="checkbox"/> Library  | <input type="checkbox"/> School District     | <input type="checkbox"/> Provider of Assistance to the Homeless |                                      |
| <input type="checkbox"/> Clinic   | <input type="checkbox"/> Elementary School   | <input type="checkbox"/> Radio/TV Station                       |                                      |
| <input type="checkbox"/> Hospital | <input type="checkbox"/> Secondary School    | <input type="checkbox"/> Public Safety (specify) _____          |                                      |

**IV. PROVIDE A WRITTEN DESCRIPTION OF PROGRAM OR SERVICES OFFERED, INCLUDING A DESCRIPTION OF FACILITIES OPERATED. Include printed materials about the program/services. (REQUIRED)**

**V. SOURCE OF FUNDING: (Attach supporting documentation)**

- Tax-supported     Grant     Contributions     Other (specify) \_\_\_\_\_

**VI. For non-profit organizations only: HAS THE ORGANIZATION BEEN DETERMINED TO BE TAX EXEMPT UNDER SECTION 501 OF THE INTERNAL REVENUE CODE OF 1986? \_\_\_\_\_**

(COPY REQUIRED; SEE INSTRUCTIONS FOR ADDITIONAL REQUIREMENTS)

**VII. HAS THE ORGANIZATION BEEN APPROVED, ACCREDITED, OR LICENSED?  Yes  No (If yes, attach Supporting Documents) BY WHAT AUTHORITY? \_\_\_\_\_**

**X**  
SIGNATURE OF AUTHORIZING OFFICIAL & TITLE (e.g., Mayor, Director, Superintendent, Judge) \_\_\_\_\_ DATE \_\_\_\_\_

## AUTHORIZED REPRESENTATIVES

**Please note: Our Program is now required to have each Authorized Representative's Signature.**

- I. **AUTHORIZED REPRESENTATIVE** – Only authorized representatives with a signature on file with our office will be allowed to sign for the release of property. All other listed may visit our warehouse locations and will be included in email broadcasts from our office.
- II. All representatives listed in the original application or any prior Update Form will be deleted from the account. Only those representatives listed on this Update Form will be allowed to acquire property.

<u>NAME</u>	<u>TITLE</u>	<u>TELEPHONE and EMAIL ADDRESS</u>	<u>Authorized Representative's Signature</u>
(example) John Doe	County Judge	(512) 123-4567 John.doe@gmail.com	<i>John Doe</i>

**Valid driver's license or state issued photo identification required prior to entering state or federal facilities.**

The applicant hereby certifies the information provided is correct and complete and he/she understands and agrees to all terms and conditions.

\_\_\_\_\_  
NAME OF APPLICANT ORGANIZATION

\_\_\_\_\_  
PRINTED NAME OF AUTHORIZED OFFICIAL

**X**

\_\_\_\_\_  
**SIGNATURE OF AUTHORIZING OFFICIAL & TITLE** (e.g., Mayor, Director, Superintendent, Judge)      DATE

SEND ALL APPLICATIONS TO:

TEXAS FACILITIES COMMISSION  
FEDERAL SURPLUS PROPERTY PROGRAM  
P.O. BOX 13047  
AUSTIN, TX 78711-3047  
TEL: (512) 475-3705 - FAX: (512) 236-6173

# NONDISCRIMINATION ASSURANCE

LEGAL NAME AND MAILING ADDRESS OF APPLICANT ORGANIZATION:

NAME OF ORGANIZATION \_\_\_\_\_

STREET ADDRESS/LOCATION \_\_\_\_\_

MAILING ADDRESS (P.O. Bo #, Street, City & State) \_\_\_\_\_ (9 DIGIT ZIP CODE) \_\_\_\_\_

COUNTY \_\_\_\_\_ TELEPHONE # \_\_\_\_\_ FAX # \_\_\_\_\_

\_\_\_\_\_ the donee, agrees that the program for or in connection with  
(Name of Organization)

which any property is donated 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 C.F.R., 101-6.2 and 101-8) issued under the 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, Title IX of the Education Amendments of 1972, as amended, Section 303 of the Age Discrimination Act of 1975, and the Civil Right Restoration Act of 1987, to the end that no person in the United States shall on the ground of race, color, national origin, sex, or age, or that no otherwise qualified handicapped person shall solely by reason of the handicap, be excluded from participation in, be denied benefits of, or be subjected to discrimination under any program or activity for which the donee received Federal assistance from the General Services Administration; and hereby gives assurance that it will immediately take any measures necessary to effectuate this agreement.

The donee further agrees (1) that this agreement shall be subject in all respects to the provisions of said Federal statutes and regulations (2) that this agreement obligates the donee for the period during which it retains ownership or possession of the property, (3) that the United States shall have the right to seek judicial enforcement of this agreement, and (4) that this agreement shall be binding upon any successor in interest of the donee and the word "donee" as used herein includes any such successor in interest.

COUNTY/COUNTIES SERVED BY APPLICANT ORGANIZATION: \_\_\_\_\_

**X**  
SIGNATURE OF AUTHORIZING OFFICIAL & TITLE (e.g., Mayor, Director, Superintendent, Judge) \_\_\_\_\_ DATE \_\_\_\_\_

## FOR PROGRAM STAFF USE ONLY

THE APPLICANT HAS BEEN DETERMINED:  ELIGIBLE  INELIGIBLE  PENDING  CONDITIONALLY ELIGIBLE

Account number: \_\_\_\_\_ State Agency Code: \_\_\_\_\_

Reviewed by TXSASP: \_\_\_\_\_  
Printed Name Signature Date

NOTES: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

## DONEE CERTIFICATIONS & AGREEMENTS

**(a) THE DONEE CERTIFIES THAT:**

(1) It is a public agency or a nonprofit 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/or the regulations of the General Services Administration (GSA).

(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, including research for any such purpose, or for programs for older individuals, or SBA or SEA organizations, or assistance to homeless/ impoverished. 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 and GSA.

(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, 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, Title IX of the Education Amendments of 1972, as amended, and Section 303 of the Age Discrimination Act of 1975 and the Civil Right Restoration Act of 1987.

**(b) THE DONEE AGREES TO THE FOLLOWING FEDERAL CONDITIONS:**

(1) All items of property shall be placed in use for the purpose(s) 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) or property.

(3) In the event the property is not 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 \$5,000 OR MORE AND PASSENGER MOTOR VEHICLES, REGARDLESS OF ACQUISITION COST, EXCEPT VESSELS 50 FEET OR MORE IN LENGTH AND AIRCRAFT, FOREIGN GIFTS OR OTHER ITEMS OF PROPERTY REQUIRING SPECIAL HANDLING OR USE LIMITATIONS, REGARDLESS OF THE ACQUISITION COST OR PURPOSE FOR WHICH ACQUIRED:**

(1) The property shall be used only for the purpose(s) for which acquired and for no other purpose(s).

(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.

(3) In the event the property is not used as required by (c)(1) and (2) and Federal restrictions (b)(1), (b)(2) and (f) have expired then right to the possession of such property shall at the option of the State agency revert to the State of Texas 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 and through period(s) of time the conditions imposed by (b), (c) and (f) 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 GSA under (b) and (f), or the State agency under (c) and (f). 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 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), (c) and (f) remain in effect, without 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 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), (c) and (f) remain in effect, any of the property 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 and on other pertinent matters as may be required time to time by the State agency.

(5) At the option of the State agency, the donee may abrogate the State conditions set forth in (c) and the State terms, reservations, and restrictions pertinent thereto in (d) by payment of any amount as determined by the State agency.

**(e) THE DONEE AGREES TO THE FOLLOWING CONDITIONS, APPLICABLE TO ALL ITEMS OF PROPERTY:**

(1) The property acquired by the donee is on an "as is, where is" basis, without warranty of any kind, and the Government of the United States of America, the State of Texas, its agencies or assigns, and employees thereof will be held harmless from any or all debts, liabilities, judgments, costs, demands, suits, actions, or claims of any nature arising from or incident to the donation of the property, its use, or final disposition.

(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, GSA or the State agency, as the case may be, will be entitled to reimbursement from the donee out of the insurance proceeds, of any amount equal to the unamortized portion of the fair market value of the damaged or destroyed donated items.

**(f) THE DONEE AGREES TO THE FOLLOWING ADDITIONAL TERMS AND CONDITIONS APPLICABLE TO THE DONATION OF AIRCRAFT AND VESSELS (50 FEET OR MORE IN LENGTH) HAVING AN ACQUISITION COST OF \$5,000 OR MORE, AND FOREIGN GIFTS OR OTHER ITEMS OF PROPERTY REQUIRING SPECIAL HANDLING OR USE LIMITATIONS, REGARDLESS OF THE ACQUISITION COST OR THE PURPOSE FOR WHICH ACQUIRED:**

(1) The donation shall be subject to the additional special terms, conditions, reservations, and restrictions set forth in the Conditional Transfer Document or other agreements executed by the authorized donee representative.

**(g) THE DONEE CERTIFIES** by signing and submitting this lower tier proposal, the prospective lower tier participant, as defined in 41 CFR105-68, certifies to the best of its knowledge and belief that it and its principals: (a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency. (b) Where the prospective lower tier participant is unable to certify to any of the above, such prospective participant shall attach an explanation to this proposal.

**(h) THE DONEE UNDERSTANDS** that by execution of this document, it is considered a sub recipient of federal financial assistance pursuant to the Single Audit Act of 1984 and further agrees to provide the State agency with results of the audit required by OMB Circular A-133.

**X**

SIGNATURE OF AUTHORIZING OFFICIAL & TITLE (e.g., Mayor, Director, Superintendent, Judge)

DATE

## PROPERTY COMPLIANCE PERIOD

Participating organizations (referred to as "donees" by the federal government) are required to use the property obtained through the program for a specific amount of time before the property can be sold or transferred.

- Property must be used for the program approved for participation in the Federal Surplus Property program.
- Property valued at less than \$5,000 in original cost - the compliance period is 12 months from the date put into use.
- All vehicles and property valued at more than \$5,000 in original cost - the compliance period is 18 months.
- Aircraft and vessels longer than 50 feet - the compliance period is 60 months (5 years).
- Donee organizations do not obtain title or ownership to property designated "perpetual use" by the federal government. The compliance period is considered to be "perpetual" or ongoing on these items.
- All property must be placed into use within the first year of possession.
- State and federal program staff performs scheduled and unscheduled onsite property compliance visits to ensure the property is being used as represented.
- If the property is not paid for in full or is not being used or handled as required, the donee (program participant) will be required, at its expense, to return the property to TFC or another donee, as instructed by TFC.
- The property may not be sold, transferred or otherwise disposed of during the compliance period. If property is sold, transferred, or otherwise disposed of during the compliance period, the donee may be subject to penalties and fines, as well as possible state or federal prosecution.
- Program participants are required to complete reports regarding property use as a condition of participating in the program.

I understand and agree to the above terms and conditions regarding property compliance and reporting and the Certifications & Agreements on page five.

If applying as an SBA 8(a) business I understand that the property compliance terms identified above do not apply to my business and that as an SBA 8(a) business I must follow SBA property compliance guidelines.

**X**

**SIGNATURE OF AUTHORIZING OFFICIAL & TITLE** (e.g., Mayor, Director, Superintendent, Judge) \_\_\_\_\_ **DATE** \_\_\_\_\_

## ELIGIBILITY SUMMARY & REQUIREMENTS FOR SPECIFIC ORGANIZATIONS

### Public Agency

1. State or department, agency, or instrumentality thereof
2. Political subdivision of the state, including any unit of local government or economic development district or any department, agency or instrumentality thereof
3. Instrumentality created by contract or other agreement between states or political subdivisions
4. Public purposes include but are not limited to such programs as conservation, economic development, education, park and recreation, public health and public safety

### Nonprofit Education Organization

1. Tax exempt under IRS 501(C)(3), ruling letter must include current name and address
2. Must be accredited or approved by nationally recognized accrediting agency
3. Complete narrative: course levels, enrollment, facilities, staff information
4. Articles of Incorporation and bylaws
5. List of research grants awarded (optional)

### Nonprofit Health Organization

1. Tax exempt under IRS 501(C)(3), ruling letter must include current name and address
2. Must be licensed, accredited or approved by nationally recognized accrediting or licensing agency
3. Complete narrative: services, patients served, facilities/number of beds, staff information
4. Articles of Incorporation and bylaws
5. List of research grants awarded (optional)

## **ELIGIBILITY SUMMARY & REQUIREMENTS FOR SPECIFIC ORGANIZATIONS**

### **Homeless Assistance Provider**

1. Tax exempt under IRS 501(C)(3), ruling letter must include current name and address
2. Evidence that organization is publicly recognized: letter on official letterhead from mayor, county judge, county health officer or comparable authority that certifies that the applicant is a "provider of assistance to the homeless." Letter must also include specific services provided, number of individuals receiving assistance, and frequency of assistance (daily, weekly or monthly)
3. Complete narrative: hours and days of operation, services, facility, brochures, staff information
4. Funding sources
5. Articles of incorporation/bylaws

Eligible Homeless Provider Programs include: Overnight, daytime and around-the-clock shelters. Included in this group: shelters for battered spouses, abused children, and orphans; and halfway houses or transitional housing for temporary residence of homeless parolees, mental patients, and/or substance abusers.

Food banks must be determined on a case-by-case basis; food banks that provide food directly to facilities where homeless people are fed may be eligible.

Services to the homeless must be the primary function of the organization. If any activity operates a broad spectrum of programs through which assistance to the homeless is peripheral and incidental, the entity would not be eligible. Property donated must be used in a program primarily for homeless persons.

### **Program for Older Individuals**

1. Tax exempt under IRS 501(C)(3), ruling letter must include current name and address
2. Certification establishing that applicant is receiving appropriated funds for operation of older individual program
3. Complete narrative: facilities, staff information, services, members served
4. Articles of incorporation and bylaws

### **Museum**

1. Must be open to the public a minimum of 1,000 hours per year (1,000 hours **cannot** be by appointment)
2. Tax exempt under IRS 501(C)(3), ruling letter must include current name and address
3. Staff roster, number of hours each staff member works per week (volunteer or paid)
4. Must have a minimum of one fulltime staff member or the equivalent (for example, one staff member who works 40 hours per week or two staff members who work 20 hours each per week)
5. Complete narrative: brochures, pamphlets or website; days and hours open, location, types of exhibits
6. Articles of Incorporation and bylaws
7. Organizational Memberships (optional)

### **Volunteer Fire Department / Rescue Squad / Emergency Medical Services**

1. Must be funded in whole or part by state, county or city annually (must provide line item budget evidence, including an official city or county budget or a contract with the state, city or county to provide services for residents), staff information
2. Charter or evidence of approval by proper government authority (county judge, city mayor/administrator)
3. Emergency Services District fire departments are eligible for this program as they are funded by taxing districts.
4. Approved organizations in this category must submit the above funding information and an update form annually.

### **Service Educational Activities**

Per General Services Administration, the following specific Service Educational Activities are eligible for the program: American Red Cross, Armed Services YMCA of the USA, Boy Scouts of America, Center for Excellence in Education, Girl Scouts of the USA, Marine Cadets of America, NAFEO, US Olympic Committee, Young Marines of the MLC, Head Quarters US Army Cadet Command, Big Brothers/Big Sisters of America, Boys & Girls Clubs of America, Camp Fire Boys & Girls, Civilian Marksmanship Program, Little League Baseball, Inc., Marine Corps League, National Ski Patrol, US Naval Sea Cadets, Head Quarters Air Force ROTC/LG, Department of Navy JROTC